

Gifford—Tongan Society

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DAUGHTERS AND SONS

Daughters are given much attention, especially by the mother's relatives. 593
The choicest horses, pigs, and other valuables are reserved for them, particularly for an older daughter.

Because a double standard of morality prevails, girls are strictly guarded, 562
boys are given great freedom. The term *manaia* (one who is unusually successful in love affairs) is often applied to the chief's son. (See also 41, 622
vol. 2, pp. 157.) 833

As heir apparent to his father's position as male head of the family, 593
the first-born son enjoys a certain prestige. On Vavau Island, two places, 428
Makave and Feletoa, are traditionally associated with first-born sons. Near 349
the village of Makave is a coral wall called Kilikilitofua, some pieces not exceeding a man's foot in size, others too heavy for two men to carry. It is now dilapidated, but originally it was 250 feet long, 6 feet wide, and 5 or 6 feet high. Its origin is generally ascribed to a custom of the parents of every first-born son in Makave to carry a stone to the pile. No clear reason for doing this could be learned, except that of emulating a parallel custom said to have been practiced at the village of Feletoa, also in Vavau Island. At Feletoa the fathers of first-born sons struck the ground at a certain spot with the butt of a large stick (*tukitou*) of *tou* wood. The large 593
depression traditionally alleged to have been caused by the poundings is 103
called *Tukitou*.

BROTHER-SISTER TAPU

An outstanding feature of Tongan family life which seems to have 593
permeated society from the lowest stratum to the highest is the brother- 784
sister tapu, called by one informant *fakaapaapa*, a word with a wide appli- 605
cation, which means among other things "to reverence, to respect, to honor."
The workings of this tapu are as follows.

Individuals who are brother (*tuongaane*) and sister (*tuofefine*), whether lineal or collateral, that is, whether true brother and sister or only cousins, may not be near each other in a house. If a man is talking to other women, his sister must not approach him, and if he is talking to them in a room she may not enter it. If a man were sitting in a house, his sister might enter, but might not sit near him. In the same way a man must not take a seat near his sister nor even enter the house where she is. It is improper even to mention a man to his sister. Usually brothers and sisters do not live in the same house after ten years of age; nor do they play together. If a boy approaches a house where children are playing and finds his sister there, he does not enter. Nowadays brother and sister may eat together

matapules, or commoners. However, the terms *eiki* (chief) and *tua* (commoner) are used also in a relative sense. Thus, throughout the Tongan social structure at its various levels, we find people performing analogous functions, receiving similar treatment and having like terms applied to them. To cite polar examples: Tungi, the Prince Consort, is *eiki* to a large district, and of the two girls Ika and Fakatoumafi (see page 18), Ika is *eiki* to Fakatoumafi. The district owes deference to Tungi, and Fakatoumafi owes deference to Ika. 565

Because of primogeniture, it is obvious that the descendants of younger siblings sink in rank. The commoner is the man in a line of descent that gets further and further from the head of the lineage with each succeeding generation. Regression is a simpler process than progression and for every person who rises in rank there are many who correspondingly sink. In a large measure, a person is the victim of the circumstances of his birth; his position in society is predetermined by his parentage, by his sex and by the order of his birth within the family. In modern Tonga with its constitutional government and its dual house of parliament there are, of course, possibilities open to the commoner which were closed to him in former times. But even in ancient times there is evidence that certain individuals managed to move up the social ladder slightly above the rung on which the circumstances of birth appear to have placed them. 558 428 613 554 565 178

For example, Latukefu, a member of the Haa Ngata Motua, is reckoned as a chief, although by blood he is a commoner. He is Tui Pangai (page 104) and his business is to examine the plantations of the people and to tapu food which will be desired by the Haa Ngata Motua chiefs or the Tui Kanokupolu. Latukefu is not a member of the Haa Ngata Motua by virtue of descent from the first Tui Kanokupolu, but by the adoption of one of his forefathers into the lineage. To-day he is recognized as a "brother of all of the Haa Ngata Motua chiefs." It is said that the original adoption was made because the Latukefu of that day was quite well off and was a very industrious agriculturist. This may not be true as anciently a chief might arbitrarily seize a commoner's goods; there was no necessity of making a chief out of a commoner merely to utilize his plantation produce, but at any rate, Latukefu to-day ranks the great matapule Motuapuaka. In the absence of Ahio and Ata, he is the president of the kava ring of the Haa Ngata Motua chiefs. 597 613

Theoretically, the highest matapules are ranked by the lowest chiefs and anciently the position was recognized. But to-day the two great matapules Motuapuka and Lauaki, possess hereditary lands of considerable extent which places them in a position superior to many chiefs who are without hereditary lands. 565 423

Another factor which brings about a lessening of rank is marriage to women of low rank. One informant said that anciently a young chief might 581 558 684

be killed because of marriage with *tua* women. However, I doubt if this happened often, for the amours of young chiefs seem to have been regarded as proper. Be that as it may, the statement was made that there are but few chiefs to-day who have no *tua* blood in their veins. Anciently a young chief, if he could find no bride in the chiefly class, was supposed to marry the daughter of a *matapule*. The offspring of such a marriage naturally would not have so high a rank as the offspring by a chiefly wife. In polygynous marriages the children rank according as their mothers are ranked. Of several sons of a chief, one only, and he usually the eldest by a woman of chiefly rank, inherited the father's title and position, the others retaining only their names and receiving no title. In the official kava ring (*alofi*) only the title bearer could sit, his brothers having to sit outside of the ring behind the kava makers in what is called the *toua*. Younger brothers and their descendants became virtually the servants of their older brothers and sisters.

The manner in which blood becomes adulterated by marriage is illustrated in one of the great chiefly families of to-day: the preceding holder of the title had a number of sons, all of whom married women of *tua* rank, except the father of the present title holder, who married a chiefly woman. In ancient times the offspring of *tua* women by chiefs were somewhat like serfs, inasmuch as they were bound in service to their hereditary lord and master, the great chief, or his son who succeeded him. Thomson (54, p. 222) has summed up the relationship of chief and commoner:

The Tongans had reached a stage of development midway between the patriarchal and feudal systems. Their chiefs had the blood of the founder of the family in its purest form, and were the earthly incarnations of their deified ancestors. Each chief had hereditary retainers who followed him to battle, and obeyed him in time of peace; but the constant wars during the latter half of the eighteenth century had created a lower class of servants than these—the *tu'a*, children of prisoners of war. These, together with the illegitimate children of the chief's father or grandfather (his cousins, in fact, for a chief bred servants for his descendants), were in the nature of serfs, leading, however, an easier life than such a designation would imply. The missionaries had perhaps read of Peter the Great and Wilberforce, and they too panted to win the grateful admiration of posterity. To their heated fancy the people appeared as slaves, because they yielded service without fixed wages, and nothing would content them but a formal liberation. They did not stop to reflect that these "serfs" were fed and clothed by their chief, and that as members of his household they enjoyed privileges which men of their low rank could not hope for in other societies.

On June 4, 1862, the Tui Kanokupolu George I declared all chiefs and people at liberty from vassalage and serfdom.

Most commoners trace relationship, some perhaps fictitiously, to one of the great chiefs, including the Tui Tonga. Four great chiefs told me that all commoners are related to chiefs and *matapules*, and conversely that all chiefs and *matapules* have commoner relatives, such relatives in fact, usually constituting the following of a chief.

A group of people desiring to obtain something from a chief usually try 622 to have their own chief, or at any rate, some chief, act as spokesman. During 571 my stay in Eua, the Methodists of the island desiring the use of a house in Nukualofa, Tongatabu, that belonged to the chief Tuita, took the Eua chief Hafoka as their spokesman and representative in making application to Tuita. Although one of their number, Hafoka was quite the proper person to make the request, because he was a chief.

The titled chiefs stand in certain fixed relationship to one another. Thus 622 Ata, the "dean" of the Tongan chiefs is "grandfather" (*kui*) to all of the 602 chiefs of the kingdom, except the Haa Ngata Motua chiefs, to whom he is 571 "older brother" (*taokete*). The chiefs specifically enumerated as standing in the relationship of "grandchildren" to Ata are Fakafanua, Tui Haa Ngana, Tui Haateiho, and Malupo; but not Tui Lakepa, who is head of the lineage Fale Fisi. To the Tui Kanokupolu, Ata is "younger brother" (*tehina*). These are not true relationships, even though considered as extensions of terms for lineal relatives to collateral relatives. They are, if anything, mirrors of the relationships in which the first title bearers stood to one another. The [428] fact that succession to titles has not always been from father to oldest son precludes the relationship terms from being accurate, classificatory designations of the relationships of present day title bearers. Thus, to a man named David Uasi the present Ata once stood in the collateral relation of "son," whereas, now that he is Ata, he stands in the relation of "grandfather."

Within the lineage Fale Fisi, Tui Lakepa is highest and is denoted as 613 "father" by the other members of the lineage. Tui Haa Teiho is "older 622 brother" to Malupo and Tui Haa Ngana. Tui Haa Ngana is the "youngest 602 brother" and Malupo the "middle brother." At the present time, Tui Haa 571 Teiho is a boy, Malupo and Tui Haa Ngana middle-aged men. Tui Lakepa has the precedence of the other Fale Fisi chiefs at kava parties.

SPECIAL TREATMENT OF CHILDREN OF CHIEFS

Commonly the daughter of a chief had a separate house (*fale faka- 622 kaufefine*) within the chief's compound, cared for by one or more old women. 554 In this house the daughter lived with several girl attendants but she might 592 sleep in her father's house if she wished. 591

Similarly a chief's son might gather about him a number of young men and reside in a separate house (*fale fakakatangata*) and even in a separate enclosure. Cook (19, vol. 1, p. 344) describes Poulaho's (Tui Tonga Pau) son Fuanunuiava, a lad of twelve years, as having a house of his own and as being attended by a circle of boys and by an old man and an old woman. A good example of the congregating of young men with the chief's son

but have served both the Tui Kanokupolu and the Tui Tonga. Filise Vaita-⁵⁶⁵
iki was the present Kama's pre-matapule name. ¹⁷³
¹⁶⁷

At Nomuka Island on October 1, 1920, I witnessed the appointment of
a minor matapule to office by the governor of Haapai. During the ceremony ⁵⁶⁵
Pahulu received the title of Pilimokaupua, the name of a matapule from ⁶²⁴
Maufanga, Tongatabu, and which refers to a little hill in Maufanga. (One ¹²³
informant said that the hill in Maufanga is called Kaupua and another that ⁵⁵⁴
Pili and Kaupua were two chiefs of Maufanga.)

After the governor had assigned the title, kava was served and the mata-²⁷⁶
pule was called by his new name. The last Pilimokaupua had no son, hence ⁵⁵³
he was succeeded in title by his brother's son, Pahulu, who on his father's ⁴²⁸
side at least was of matapule blood. By receiving this title the social posi- ⁵⁵⁴
tion of Pahulu was materially enhanced and his rank advanced.

To-day matapules use staff and fly whisk like Samoan *tulafale*. When ⁵⁶⁵
addressing an assembly in which high chiefs are present, a matapule stands; ⁶²⁴
in a *faikava*, he sits; in an assembly where chiefs are not present, he may ⁶²²
sit or stand as he likes. A chiefly informant said that the use of fly whisk ⁵¹⁶
and staff by matapules is a late practice, that anciently these objects were ⁵³⁷
used by chiefs only.

It seems to be the custom for the prospective heir to a matapule title ⁵⁶⁵
to serve as a substitute in the absence of the title holder. In the absence of ⁶²⁴
both the title bearer and the prospective heir, the relative next in line, even ⁴²⁸
such collateral relatives as cousins, may serve. A younger brother of a mata-
pule, serving in his place is called matapule *tehina* (younger brother).

The chief matapules of the Tui Kanokupolu are Lauaki and Motuapuaka ⁵⁶⁵
who reside in Tongatabu. Their representatives or substitutes in other islands ⁶²⁴
are: Haapai, Kofe and Afeaki; Vavau, Fotu and Afu Haa Laufuli; Niu-⁵⁵¹
atopotapu, Sika and Kaufanga; Niuafoou, Masila and Haufano.

Mariner lists certain occupations which are followed by matapules. The ⁵⁰²
occupation of *toutai vaka* or navigator was an important one. The two
principal matapule navigators were Leka for the Tui Tonga and Ula for the
Tui Kanokupolu. Like the great matapule Lauaki, Ula originally served
the Tui Tonga, but was later sent by the Tui Haa Takalaua to serve the Tui
Kanokupolu. An old poem tells how Ula and Leka bridge the gap between
the Tui Tonga and the Tui Kanokupolu. Ulamoleka (that is, Ula and
Leka) was a chief adopted by Leka. He said of himself: "Kauhalauta (Tui
Tonga side) and Kauhalalalo (Tui Kanokupolu side) are far apart, but I
am the one who brings them close together, referring to the fact that he had
the names of the two *toutai*."

Hereditary: <i>matapule</i> and <i>mua</i>	Hereditary or not: <i>mua</i> and <i>tua</i>	554
Canoe builders (<i>tufunga fou zaka</i>)	Tattooers (<i>tufunga ta tatau</i>)	463
Cutters of whale-teeth (<i>tufunga fono lei</i>)	Club-carvers (<i>tufunga tongi akau</i>)	
Funeral directors (<i>tufunga tapu</i>)	Hereditary or not: <i>tua</i>	
Hereditary: <i>mua</i> and <i>tua</i>	Barbers (<i>tufunga fai kava</i>)	
Stone-masons (<i>tufunga tao maka</i>) [or <i>aholangamaka</i>]	Hereditary: <i>tua</i>	
Net-makers (<i>tufunga sia kupenga</i>)	Cooks (<i>tangata fei unu</i>)	
Fishermen (<i>tufunga toutai ika</i>)	Peasants (<i>kai fonua</i>)	
Large house builders (<i>tufunga langafale</i>)		

It is to be noted that all of the occupations fall into *matapule*, *mua*, and *tua* ranks—people below the chiefly class. The term *tufunga* is applied generally to skilled artisans of all sorts. Artisans in addition to those listed by Mariner are *tufunga lalava* (sinnet artist) who applies the ornamental geometric designs in sinnet and *tufunga tui la*, sail maker. A ship carpenter not only does the actual carpentering but also the wrapping and tying of the sinnet. Many house carpenters, on the other hand, do only carpentering and leave the ornamental wrapping of the sinnet to the sinnet artist. 335 463

In general, one man did not practice many different occupations. At the present time a *tufunga* in the Hihifo district, Tongatabu, is both a house carpenter and a stone mason. 463

The traditional origin of the various *tufunga* is unknown. The informant Josiah Paluto was positive that the first *tufunga langafale* in his family did not get the office from the Tui Tonga, but thinks it was a special reward for merit conferred by some local chief. All appointments were confirmed by the Tui Tonga, or by his local representatives; only those *tufunga* whose local chief was the Tui Tonga himself were invariably appointed directly by the Tui Tonga. Nowadays the Tui Kanokupolu confers the *tufunga* titles. As stated by informants, the rights of artisanship ran in the paternal line of descent, preference in each group being given to the oldest son. The order is: (a) sons; (b) brother's sons; (c) father's brother's sons and son's sons—(equal preference); (d) sister's sons; (e) father's sister's sons. 463 428-611

The dominant determining element was the personal preference of the *tufunga*. If the father died before the son had reached dependable age, it became the family duty of that son to learn the craft as best he could, but not under the tutelage of a *tufunga* outside the family.

It was the duty of all sons to follow their father's trade but only the eldest son received his father's title. If the eldest son should so neglect his family duty as to repudiate the family craft, the next in order of relationship was given the opportunity, depending upon the choice of the old *tufunga*. An old *tufunga*, however, who arbitrarily and without apparent reason broke 624

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the order of family right to the craft, was severely criticized and socially punished by his family and even by his neighbors. The informant was in doubt as to whether the confirming chief would override such an illogical choice. 463
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If the male members in the family of a *tufunga* lack aptitude, ambition, or any other necessary quality, or show decided inferiority in comparison with someone outside the family, this outsider, following a presentation of gifts to the *tufunga* (from the applicant's family), may be chosen to succeed to the order. This appointee's sons then continue to carry on the particular *tufunga* tradition and practice.

All the people of a village contribute toward the building of the chief's house under the direction of a single *tufunga*. 624
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Some living representatives of *tufunga* families in Lifuka Island, Haapai, are as follows: 463
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Josiah Paluto, *tufunga langafale* and *tufunga lalava*, his father, Job Femuiki, his grandfather and his great-grandfather were also *tufunga*; Ngauamo, *tufunga vaka*; Femuiki, *tufunga langafale*; Mailau Fuopau, *tufungataomake*.

According to a Vavau informant, carpenters were called the "Children of Tangaloa Tufunga," that is, "Tangaloa the Artisan." A tradition states that before the time of Ulukalala, the carpenters were driven from Vavau during a war and went to Fiji to settle and that there they built a fort, so strong that the Fijians could not take it. This brief snatch of legend suggests a sort of organization on the part of the carpenters, but at the present time there is nothing in the nature of a carpenters' guild. 335
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Only one person in a family held the title which went with a trade. As usual, the title seems to have descended most frequently from the father to the eldest son. Thus the predecessor of Eke, a boat builder of the Hihifo district, Tongatabu, was his mother's father, who also was Eke—a title which is bestowed by the chief Ata. The present Eke had the title conferred upon him by the present Ata. Eke is of Samoan extraction and of matapule rank; in fact, the name Eke is a matapule name. An ancestor of the present Eke is believed to have come from Samoa in the time of Tohuia, the Samoan mother of Ngata, the first Tui Kanokupolu. 554
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The father, paternal grandfather, and a great-grandfather of Fakauho, another house builder of the Hihifo district, all bore the same title and were all carpenters. The present Fakauho, popularly known as Fiso, had his title conferred upon him by the present Ata about 1910. Fakauho is also a stone mason and constructs stone burial vaults (*fonualoto*). Should the chief Ata want a house built, he orders the Fakauho to do the work. Fakauho's assistants are his relatives, but Ata orders commoners to help in the rough and heavy work. 554
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Coiled baskets (*katoalu*) are made by women, but never for their own use. Most of them are intended as gifts to a chief or for presents at weddings, funerals, or similar occasions. The basket may be used by the recipient, but many baskets, particularly openwork baskets, seem to be put to no practical use. 285
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Wooden bowls were made by men who probably were *tufunga langafale*. 322

Tongan medical treatment is a mixture of magic and herb doctoring. (See page 338.) Most of the doctors are commoners, and may be either male or female (*tangata faitoo* or *fefine faitoo*). They are not appointed by chiefs, but usually follow the practice of a parent, thus keeping the knowledge a secret within the family. Payment (*tukutoo*) is made after a cure, in the form of a feast, during which valuable articles (*koloa*, wealth) such as tapa and mats are placed in front of the doctor. The supervisor of boys was termed *faikaukau* of *faitefe*. (See p. 188.) 755
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While barbers, according to Mariner, might be either men or women, most of them are said to have been women. Women of chiefly rank could serve as barbers for chiefs. 305
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TITLES OF MATAPULES AND ARTISANS

The following list includes the matapule titles which I have recorded, together with the origin of each title and the relationships of the incumbents so far as known. The titles of artisans are included, though all of them may not be strictly matapule titles. (See p. 144.) 565
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Afeaki, matapule to the Tui Kanokupolu. Resides in Haapai.

Afu Haa Laufuli, a matapule of the Haa Molofaha, serving the Tui Kanokupolu; resides in Vavau. Anciently he was matapule to the Tui Haa Takalaua and had a house at Fonuamotu, Tongatabu, the residence of the Tui Haa Takalaua.

Afu Haa Mango, a matapule. Residence Okoa Island, Vavau.

Ahomee, a carpenter (*tufunga fale*) appointed by the chief Ahomee in whose *tofo* at Utui, Vavau, he lives. He was preceded in title by his father and his father's father. The present holder of the title is said to be a younger brother of the chief Ahomee.

Akauola, the *toutai* (navigator) of the king of Tonga. A member of the Haa Toutai. He is said to be of Samoan descent, the Samoan form of his title being Laauola. Akauola and Moala are related.

Angakehe, a matapule in the village of Uifa, Uifa Island, Haapai, serving the chief Malupo of that place.

Faingaa, a *toutai ika* (fisherman) of Talau, Vavau Island. Perhaps this is one of the Falefa matapules, for his partner is Mapu, as with Falefa matapules.

Fakatea, ruler of Vavau displaced by Tuituiohu, the "governor" sent there by the Tui Tonga Pau. Fakatea is said to have been only a matapule.

Fakatulolo, also called Lutui and Fokololo. A matapule of the Haa Toutai, now serving the Tui Kanokupolu, but formerly serving the Tui Haa Takalaua. The first incumbent is said to have come from the Tokelau Islands. Fokololo is the name of the garment worn by people when going into the sea. The first Fakatulolo of whom I have record was succeeded by his son Siu, who was succeeded by his daughter's son Tukia, who was succeeded by his brother Ngongo. A Fakatulolo died August 5, 1897. 291

Toflau 3 bore name of Joel, father of informant (6).

Toflau 4 bore name of Hekeheka

Toflau 5 bore name of Atelu

Toflau 6 bears name of Nepote; son of 3.

} Their father was brother of 3.

Tui Tupou, a matapule attached to Tui Tonga Lauilitonga. Now serving the Tui Kanokupolu, by whom he is appointed. Resides in Koulo, Lifuka Island. Belongs to Fale Fisi. It is said that the first Tui Tupou came to Tonga with a Tui Tonga who had been to Fiji on a visit. Possibly Tapuosi the Tui Lakepa is referred to rather than a Tui Tonga. The Tupou referred to in the title is said to be a village on Lakemba Island, Fiji.

Tukuafu, a matapule at Felemea, Uiha Island.

Uhatafe, a matapule and carpenter to the Tui Tonga. Of Samoan origin according to John Havea, of Rotuman origin according to Tapueluelu. According to a third informant the first Uhatafe came from Rotuma in the reign of the twenty-sixth Tui Tonga (Puipufatu).

Uhi, a matapule to Ata. For origin of title see Vaeno.

Ula, a navigator title. The origin of Ula is Samoan. (See p. 143.) His seat is at Neiafu in the Hihifo district, Tongatabu. The Tamaha's genealogies show a succession as follows: Ula, to his son's son Likuohihifo, to his son Amini. The late Queen Takipo, wife of King George II, was the daughter of an Ula.

Vaeno, a matapule to Tungi. Of Samoan origin. A Samoan woman in the train of Tohuia (mother of the first Tui Kanokupolu) gave birth to twins who became the matapule Uhi and Vaeno. Their names became titles for two lines of matapule. Uhi is matapule to Ata.

Vaipuna, a matapule of Uiha, Uiha Island; not matapule to the chief Malupo, to whom he stood in relation of "brother."

Vao, a matapule of the chief Malupo of Uiha village, Uiha Island.

Vatuvei, a matapule for the Tui Lakepa, by whom he is appointed. Resides on Okoa Island, Vavau group. Belongs to Fale Fisi.

Veahaki, a matapule title at Koulo, Lifuka. The graveyard of Veahaki's family is called Hangaitokolau.

Veamatahau, title of a matapule of the Falefa of the Tui Tonga.

Vehikite, a *toutai* title, at present held by a man of Otea, Kapa Island, Vavau. Formerly appointed by the Tui Haas Takalaua, now appointed by the Tui Kanokupolu. The personal names of the men whom the informant remembered as holding the title were, in order: Kitekeiaho; Halafauimoana; Ulilalelei; Tohoilangolelei; Fakatuli; John Tuita, the incumbent, his mother was the daughter of the noble Tuita.

TRANSMISSION OF TITLES

Table 9 summarizes the 203 title transmissions recorded in this paper. 428
It shows that transmission is definitely patrilineal, there being but 7 through 424
females: 5 to the daughter's son, 1 to the sister's son, and 1 to the son's
daughter's son. The 26 records of transmission to brothers may embody
preferences of a brother over a son, but it seems more likely that most
fraternal successions were due to the lack of a son who possessed the needed
qualifications.

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TABLE 9. TRANSMISSION OF TITLES

TRANSMISSION	TOTALS	MALE			MATAPULES, NAV'GTRS, PRIESTS, ARTISANS		
		TONGA TUI HAA	TUI TAKA- LAUA	TUI KANO- KUPOLU	CHIEFS		
To son	142	32	11	7	71	21	428
To brother.....	26	3		3	11	9	643
To brother's son	9			3	3	3	622
To father's brother's son	5				3	2	565
To daughter's son	5				3	2	624
To son's son	5				3	2	644
To father's brother	3			2	1		793
To brother's son's son.....	2			1	1		463
To father's father's brother's son....	1			1			424
To father's brother's son's son.....	1				1		
To father's father's brother's son's son ..	1				1		
To sister's son	1					1	
To son's daughter's son.....	1			1			
To daughter	1			1			

BARDS

Bards, ordinarily ranking about on a level with matapules, have always occupied an honorable position in Tongan society, being regarded as the intellectual equals of the most brilliant minds. The poet Tuakilaumea was the son of matapule Motuapuaka. The poets Ulamoleka and Teukava were chiefs. In 1921 the chief Vaea was writing poetry.

The poems themselves reflect the social position and cleverness of their authors. The introduction (p. 88) to the "Poem of Mumui" (16, p. 98) indicates that the poet was liable to punishment for relatively small offenses. Because Tuakilaumea had appropriated a gift of kava intended for Mumui, the Tui Kanokupolu, the poet's house was destroyed. Tuakilaumea, taking refuge in a sanctuary (Faletapu), composed a lay about Mumui. He then attached himself to the Tui Haa Takalaua Mulikihaamea at Mua, where with a company of chanters he presented the lay. Mumui, learning of the clever poem, invited Tuakilaumea to Nukualofa to present it before him, thus evidencing his forgiveness of the kava appropriation.

Another poem (16, p. 71) indicates that for some small offense Ulukalala proceeded to set Mamaeapoto on shore, much to the poet's chagrin. It is also recorded that the chief Ulamoleka ordered a poet to accompany him from Tongatabu to Eua, even though the poet's father was on his death bed.

Though the profession of bard seems to have been an honored one, the poets were very definitely dependent upon the patronage of the great chiefs. Here and there in the poems this protection is mentioned, usually metaphorically, by saying the poet is aboard a great vessel.

chiefs are angry. Do anything that is right. "A king but blind." [Poet speaking.]

Oh! My mind is unsettled, as the wind, and not steady. The wonderment of it! To leave the land in charge of a fool. What is it that will be timely (best) for the chiefs and the land? They run away and live, but I stay and die, because it is a mischievous land. What will they do when they drive their enemies to Hihifo and the people arise and throw spears, as they do at fish when caught in a net drive? [Mumui speaking.]

Oh! Then we will see the true friends. I thought that I was of some use, that I was familiar with difficulties, and that war was my food. But you do not want me, so I will sit down (no longer rule). [Mumui speaking.]

Angry be you. I will be weak. Why Tongatabu has already been left as a land of women. Alas! my lonely grief. You consider what is best to be done, as the chiefs are angry. Do anything that is right. "A king but blind." [Poet speaking.]

Perhaps I have sinned. Perhaps I have crept to a great chief. Oh, it is the fruit of living with a bad ruler (*hau*). Go, cheat and coward, and sit in the high place of the chief (referring to the kava ring), while I remain with those that serve; while I bear the brunt of your ill-doing. Alas! The joining of the strong hibiscus (chief) with the weak banana stalk (commoner). And is that the reason for the wish that I should come to punishment? If I had crept to your house, or if I had been rude to the Tui Tonga, or to the Mohefo (chief wife of the Tui Tonga), then it would have been right to punish me. When was I thus? And call it clever, and punish me that trusted to Lolopaongo (a high chief). "Why they are fetching men to fight in Hahake, to fight you." [Poet speaking.]

Angry be you. I will be weak. Why Tongatabu has already been left, as a land of women. Alas! my lonely grief. You consider what is best to be done, as the chiefs are angry. Do anything that is right. "A king but blind." [Poet speaking.]

There, bring the stars for Mumui, the Alotolu (part of the constellation Orion) and the Toloa (Duck, the Southern Cross), and all shining things; make afraid the wind and the breezes, because of Mumui. Bring Ongomalie (reef) and all the (other) reefs, and the thunder from the sky. The voyagers have left. Fear is at the back of the "regiments." Mumui is lord over all. Is there anything like this chief, or in keeping with his great dark mind? My trusting to him was of no use, and my kindness to him was not appreciated. Oh! do not speak again. Exile me to Toku Island. I love the ruler [Mumui], but it will be well for me to go as I am of no service. Stay (good-bye), Tongatabu. [Poet speaking.]

KAVA DRINKING

The traditional first use of kava in a drink is assigned to the reign of the tenth Tui Tonga and to the island of Eueiki, near Tongatabu, and an expression is attributed to this occasion, when the Tui Tonga's matapule said to the Eueiki people, "Fakaua ki Manuka hotau taumafa kava" (Have twice unto Manuka our kava drinking). Whether the Manuka referred to is the place in Tongatabu, or the one in Samoa is not clear. If the reference is to Tongatabu, Manuka may be the polite name for the Tui Tonga himself, in whose honor the people were enjoined to drink twice.

The drinking of kava is exceedingly common in Tonga to-day, reported to be more common than in heathen times. Aside from casual or social occasions, kava was imbibed at all ceremonies, including marriages and funerals. Installation in office or succession to title was legalized in the kava circle by the calling of the new title when the kava was served to

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the new appointee. This form of ceremonial installation (*fakanofo*) prevailed from the Tui Tonga down to the lowest matapule. When a god became incarnate in a priest, the kava circle was formed with the priest presiding. Matters to be discussed with the king or a high chief were broached at the king's kava circle, which comprised the principal chiefs attendant at his court. Some executions took place within the circle (26, p. 67).

The formal drinking of kava has perhaps its most important social aspect in the visualization of the rank of the participants through the seating and through the order of serving.

With one or two exceptions, no chief might sit in the formal kava circle without an attendant matapule. When the Tui Tonga, Tui Haa Takalaua, or Tui Kanokupolu presided at a kava circle, he was flanked by two matapule. In the formal kava circle only titled persons may sit; the president of such a circle seems always to have been the title-holder of highest rank. With the exception of the Tamaha and perhaps the Female Tui Tonga, who were title holders, women seem not to have presided in kava circles except at marriages.

The formal circle, therefore, comprises the assemblage of the representatives of the ancestors, the first holders of the titles. The first holders of the titles of Tui Tonga, of matapule Lauaki, of Tui Pelehake, and of Tui Loloko, were the putative sons of a god, Tangaloa Eitumatupua; the original holders of all other titles were the offspring of mortals. There seems, however, to have been a certain equating of gods and ancestors, for a priest possessed by a god presided as would the king. Moreover the Tui Kanokupolu is called Taliai Tupou, the name of his patron god. I suspect that the title holders in the kava circle impersonate the ancestral first holders of titles and perhaps are even regarded as their temporary incarnations. (For example, Lauaki is called Maliepo, the name of his ancestor who descended from heaven.) This probability is strengthened by the fact that whenever a chief is accompanied by his matapule, formal conduct is required of him.

The following terms refer to the kava ceremony:

Alofi. The kava circle.

Apaapa. The alofi or circle of the Tui Tonga's kava party; the masters of ceremonies in a kava party, that is, the matapules who sit on each side of the chief who presides in the kava party; to sit next to the chief in the kava party.

Faikava. Literally, to do kava, a kava party.

Fakamatua. A movement from one sitting posture to another. For example, if a group of men in a kava circle are sitting tailor fashion (*fakataane*) so close together that their knees are touching, and others come to join them, the president may say "Fakamatua", at which every one turns to the right obliquely, thus making room for the new arrivals.

LAND OWNERSHIP

Regarding the ancient systems of land tenure in Tonga, Alexander (1) 423 writes;

On passing from the three other western groups [New Zealand, Samoa, Fiji] to Tonga, we find a remarkable and striking change in political institutions, in land tenure, and in social customs. In a word, we are politically, though not geographically, in eastern Polynesia. We find no organized village communities or clans, holding lands in common, but a fully developed feudal system, and a strong centralized government. The patriarchal head of the clan has become a landlord, and the clansmen, bound to their chief by the tie of blood relationship, have become his tenants and subjects. From Rev. L. Eison we learn that the nation was divided into four main tribes, two of which were further subdivided into subtribes.

From the Rev. Thos. West we learn that "the lands were held in fief." The great landlords held them by hereditary right, but subject to the king, and they in turn subdivided them among their kinsmen and followers. It was on the great chiefs that the king depended for military support, which they willingly rendered him, as the title by which they retained their possessions. Through them also the king received a general tribute from the people. The chiefs, also in the order, claimed the service or property of their tenants. The lowest order was ground down and oppressed by that above it. The "Tuas" could not call anything they had their own. The great chiefs could seize on whatever took their fancy. Besides, the king or his representatives could assess labor upon the whole community whenever he pleased. The chiefs also claimed a share of all the fish taken by their tenants. The most servile homage was rendered to them as in the Society and Hawaiian islands. On a father's death his property descended to his children. On the mother's death her property remained with her husband and children, not excepting her *dower* land, which did not revert to her own kindred as in the other western groups, where Tribal tenure prevailed.

Cook (19, vol. 1, p. 412) says:

The orders, or classes, amongst their Chiefs, or those who call themselves such, seemed to be almost as numerous as amongst us; but there are few, in comparison, that are lords of large districts of territory; the rest holding their lands under those principal barons, as they may be called. I was, indeed, told, that when a man of property dies, everything he leaves behind him falls to the king; but that it is usual to give it to the eldest son of the deceased, with an obligation to make a provision, out of it, for the rest of the children. It is not the custom here, as at Otaheite, for the son, the moment he is born, to take from the father the homage and title; but he succeeds to them, at his decease; so that their form of government is not only monarchical, but hereditary.

MODERN LANDED NOBLES

Thomson (54, pp. 230, 231) has the following to say concerning land 423 tenure:

Chief among the purely Tongan enactments of the new code were the land laws. In former times the soil of Tonga was vested in the Tui Tonga—the spiritual chief. The great nobles and small cultivators held their lands from him, and he had theoretically the right to dispossess them at will. When the office of Tui Tonga became vacant, and the title was absorbed by the present king, the people readily adopted the idea that all the land was vested in the Crown, who had the power to grant holdings in return for taxes. But in 1888, Mr. Baker, acting either under pressure from the chiefs, or spontaneously wishing

21. Fakafanua. Maufanga, Tongatabu Island; Faleloa, Foa Island, Haapai; and Ngaakau, Vavau Island. 423
22. Vahai. Foui, Tongatabu Island; Taanea, Vavau Island. 643
23. Tui Vakano. Nukunuku, Tongatabu Island. 622
24. Ahomee. Haavakatolo, Tongatabu Island; Utui, Vavau Island. 551
25. Fulivai. Hunga Island, Vavau group; Fangalepa and Lotoniha, Vavau Island. 103
26. Lutui. Falevai, Kapa Island, Vavau. (Lutui now called Fakatulolo.)
27. Tangipa. Mahinafekiite, Niuafoou Island.
28. Fusitua. Faletanu and the eastern side of the road in Angaha, and Maufanga, Niuafoou Island.
29. Tuita. Kolokimuli, Tongatabu Island; Utungake, Utungake Island, Vavau; Utungake and Haafakahenga, near Faleloa, Foa Island, Haapai; and Futu, Niuafoou Island.
30. Fohe. Puke, Tongatabu Island.
31. Motuapuaka. Teeki, Tongatabu Island; Haufolau, Utungake Island, Vavau.
32. Lauaki. Talafoou, Tongatabu Island; Masilamea, Vavau Island.
33. Afu. Haalaufuli, Vavau Island.
34. Fotu. Leimatua, Vavau Island.
35. Tuuhetoka. Haafeva Island, Haapai.
36. Akaula. Taunga and Fonuaoneone (see below) islands, Vavau.
37. Lasike. Lakepa in Ahau, Lakepa in Neiafu, Lakepa in Haataua, Lakepa in Kalaau, Lakepa in Haamea, Lakepa in Navutoka, Fonongahina, Tafangafanga in Ha-hake, Tongatabu Island; Lakepa in Eua Island.
38. Veikune. His hereditary lands in Tongatabu group: 1, Longoteme and Mata-moana, Tongatabu Island; 2, Oneata Island; 3, Kanatea Island. His hereditary lands in Vavau: 1, Paleaou at Fongotofe, Vavau Island; 2, Talahuo, inland side of road of Fongotofe; 3, Lolopipi, between Ngaakau and Vaimalo; 4, Longomapu; 5, Kolotahi Island; 6, Haakoka and Fangaeva.

In the reign of Queen Charlotte, "hereditary" lands were granted as follows:

36. To Akaula, the island of Fonuaoneone, Vavau group.
39. To the great chief Tupotoa (formerly John Mateialona), a portion of the island of Eua.

Of 39 "inheritance" holders, all are chiefs except Nos. 26, 31, 33; 34, 423
and 36, who are matapules, and No. 35, who is conflictingly classified as 622
both matapule and chief. 565

It is said that neither the Tui Tonga nor the Tui Haa Takalaua granted 643
fiefs to their matapule. The modern matapule hold fiefs given them by King 423
George I to show his gratitude and to show that he "acted differently" from 644
his predecessors, the Tui Tonga and the Tui Haa Takalaua.

Informants were agreed that anciently all land was the Tui Tonga's and 643
was bestowed by him upon the various chiefs. It seems to have been the 423
custom that land so bestowed remained indefinitely in the recipient's family, 622
each succeeding holder of his title being confirmed in tenure. Much the 624
same scheme seems to have held for the tracts allotted to matapules and com- 565
moners. The normal procedure was for the sons to live upon the land where 428
their father had dwelt. A chief, however, could dispossess his commoners 541
at any time, or transfer them from one part of his land to another, even 565
though they opposed the move.

land as descendants of Mataletuapiko, the third Tui Kanokupolu, the Haa 423
Ngata Motua chiefs already having land there. The tracts formerly be- 622
longing to the Haa Havea have now passed to Ata who is the hereditary lord. 103

The tract Vaoleleva, which is situated near Huatolitoli in the Hahake 173
district, Tongatabu, was given by the Tui Tonga to Lavaka-vaoleleva and
Ahomee. It was named after Lavaka-vaoleleva in gratitude for his hospi-
tality to the Tui Tonga on the occasion when the Tui Tonga's preparations
for a voyage to Vavau were delayed by a great famine in Tongatabu. On [251]
this occasion the meals were prepared from two great (breadfruit?) storage
pits, of which there were many in the tract.

Following the slaying of the Tui Haa Takalaua Mulikihaamea in 1799,
a man named Tongalava is reputed to have removed the body to Mua from
a rock on which his slayers had placed it. At Mua it lay in state in a [764]
funerary house (*tolia*) for six months, while the royal tomb Langi Loamanu
was being erected. After the funeral the relatives of the deceased gave three [764]
parcels of Mulikihaamea's land to Tongalava, in gratitude for his service. [431]
The parcels are the tracts Toutai, Toutai II, and Tatai. These were to be
forever the property of his descendants, the donors said.

HAAPAI

The following narrative concerning land ownership in Haapai is told 173
by Tevita Tunai, of Faleloa, Foa Island, Haapai. 643

When they were preparing for the Tui Tonga's trip to Samoa the people gathered 484
presents for this trip and then Helu brought the presents and the chiefs sailed. When 431
they arrived in Samoa they distributed the presents and the Samoans were pleased
with the presents that Helu gave them. When the expedition returned to Tonga, the
Tui Tonga told Helu to choose anything he liked as a reward for his efficient services. 643
Helu told the Tui Tonga just to give him a little piece of land. The Tui Tonga said, 431
"Come and carry me." Then they went up to a hill called Toloke in Haano Island, 423
and they turned back from there and then the Tui Tonga asked, "How is this?" Helu 173
replied, "Go on to the promontory (*muifonua*) at Fakakakai."

Then Helu said, "Give me the promontory Houmatata," and Helu was satisfied
when this was done.

Helu died and was buried in Lotofoa in a cemetery called Monotapu. The first [212]
Tungi told Too'i and Niulala to remove Helu's bones to Houmatata to bear witness
that that is Helu's land, and then they cut a stone and inscribed the name and the date
and the year. This stone was set up as a witness that the promontory was Helu's. The
Tui Haa Takalaua was the immediate overlord anciently. The brother of the present
Helu (who is mayor of Lotofoa) was matapule to the first Tungi, who replaces the
abolished Tui Haa Takalaua line.

VAVAU

Maatu, lord of Niuatoputapu, claimed unsuccessfully the island of Ma-423
fana in the Vavau group upon the following basis: 428
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This island belonged to Tokemoana, the son of the Tui Tonga Uluakimata II. The son of Tokemoana was Toutaitokotaha. The son of Toutaitokotaha was Sisitoutai. The daughter of Sisitoutai was Tongahaapai. The son of Tongahaapai was Joel Maatu (father of the Maatu of 1921). Mafana was claimed by Maatu, who is in the female line, because male descendants of Tokemoana were lacking.

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Ulukalala, one of the great chiefs of Vavau, tried also to claim it, saying that his father Matekitonga owned it.

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Other stories of land titles in Vavau follow:

Near Makave, Vavau Island, is a peninsula called Utuatea, connected with the mainland by a low isthmus. It is said that formerly this connecting isthmus was absent and the peninsula was an island called Utuatea. When the chief of the district, Tui Afitu, held a big feast of any kind, both Makave and Utuatea had to prepare ovens of food for him. The people thought this to be too great a drain upon them, so they decided to make one place of Makave and Utuatea. This they did by filling in the channel between the small and large islands in a single night and planting trees on the filled area in the morning.

Another version of this story is told:

The island Utuatea was formerly owned by a *toutai* (navigator or fisher) of the Tui Tonga whose name was Fia. Tui Afitu, chief of Makave, wanted to possess this island, so he had his people work all one night to fill in the dividing gap. The trees were planted on it on the following morning. When Fia heard of how Tui Afitu had established his claim, he was afraid to complain and left it in the chief's possession.

A Vavau informant, Tea, told of the bestowal of land upon one of his forefathers:

Atulutuhapalelei had two children who were Teala and Muka. Teala had a daughter named Siuvakalelei. On one occasion they went out to sea to fish for bonitos with hook and line. They were caught in a squall and drifted far to sea. Fortunately they sighted land. This land was the island of Vavau. They went from there to Tonga and lived with the Tui Haa Takalaua. Siuvakalelei grew up to be a beautiful woman. The Tui Haa Takalaua fell in love with her, so he asked Teala for the hand of his daughter. They were married and after a while Siuvakalelei gave birth to a boy who was called Tupoutamolalo. The two old men (Teala and Muka) asked the Tui Haa Takalaua to name the boy Atulutuhapalelei, after the Tui Haa Takalaua's navigator. He did so.

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Motuapuaka's seat at the kava drinking is on the right, so the Tui Haa Takalaua took a *tuani* (the hard stem which supports the individual leaves in a coconut frond) and stuck it in the ground at the left. This is why Atulutuhapalelei was called Lutui, as his navigator. Atulutuhapalelei married and begot offspring. The first one was Teala to whom Falevai on the island of Kapa was given by the Tui Kanokupolu Tui Halafatai, who was saved from drowning near Vavau by this Teala. Tui Halafatai's ship was in a distress at sea near Vavau when Teala went to the rescue and took the ship's people to Falevai. The chief appreciated this noble deed, so he turned and said to Teala, "I have no wealth to give you as the token of our gratitude, but I shall give you Falevai here in the Vavau group; the *api* called Haatua at Nukuleka in Tongatabu; and the *api* Tokelau in Nomuka Island, Haapai. Another grandson (presumably brother of Teala) of the Tui Haa Takalaua was called Inukavaatua. Tokemoana gave his wife to marry Inukavaatua, that he might get a matapule from their children. Lapulou (wife of Tokemoana?) later gave birth to a boy who was called Abraham, to one who was called Veamalohi, and to one who was called Tupatongafisi. Still later she gave birth to another male child who was called Lutui. He was the youngest. This

Lutui was the grandfather of the present Lutui. Veamalohi or Tokelau Malohi was the ancestor of Tea of to-day. 423
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INHERITANCE OF PERSONAL PROPERTY

Wealth (*koloa*) took the form of mats, tapa, and other manufactured articles. When a man died his *koloa* was divided by his father's sister (*mehekitanga*) or his oldest living sister, among the near relatives on both sides of the family, the sister's son receiving the biggest share. Sometimes the relatives came and picked out what they wanted. All *ngatu* tapa and *ngafungafi* mats were buried with the dead. This buried wealth is called *koloa kekekele*. 428 [764]

ADMINISTRATION

The north-south trend of the Tongan archipelago renders communication easy during the time that the Trade Winds blow. Wilson (66, p. liv) says that most, if not all of the islands, were regularly visited by the "sovereign or commander in chief" and that the rulers kept in touch with the rank and file of the population in remote islands, not only through the local governors and stewards, but also by personal visits. Much the same scheme prevails in modern Tonga, for occasionally the sovereign, and more frequently high officials such as the chief justice, voyage to the parts of the kingdom remote from Tongatabu. 643
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Although commoners had absolutely no voice in governmental affairs they were assembled in what is called a *fono*, to hear orders from the chiefs. Anciently the *fono* was employed as a means for telling the people what to do in connection with work or war. Every adult in a district had to attend. At such gatherings the chiefs and their *matapules* did the talking; commoners could not speak and had no representatives. Such also is the practice in modern Tonga. Chiefs and sometimes *matapules* had a voice in decisions, though usually it was the duty of the *matapule* merely to convey the chief's orders to the people. It is obvious that a Tongan *fono* was different from a Samoan *fono*, which was a deliberative parliamentary gathering. 621
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The chiefs of the Hihifo district of Tongatabu would have an independent *fono* so far as work in Hihifo was concerned but would probably consult the chiefs of the Hahake district and the Tui Tonga in a subject concerning the whole island, as for instance, war. 622
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There were meetings (*fakataha*) of chiefs and of *matapules* to discuss arrangements for various undertakings, such as a funeral feast. A meeting of this nature was not a *fono*. 622
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Compulsory labor (*fatongia*) dates from early times. No pay was given but apparently food was supplied. It was a sort of corvée system 466

After spinning the coconut, Kautae cracked it and then sprinkled everyone with coconut water. This was to make the sickness leave Taufaaahau. After the god had restored the boy to health, Kautae changed his name from Nginginiolofanga to Taufaaahau. 776 755 643 [553]

Any chief sick a long while might be brought before Kautae, with such presents as roast pig and kava. The visitors sat very quietly while the god entered Kautae. The coming of the god was shown by Kautae's looking "like a fool." When the god entered Kautae he was seated. [The informant, the Kautae of 1921, had seen his father thus possessed.] Afterwards Kautae spun the coconut to determine if the person would live. Then kava was made for the god. The kava was drunk by the people, but sea water brought in a coconut vessel was given to the god through his representative Kautae. The kava was served in banana leaf cups, as was the salt water. These, together with the bowl and strainer were brought by Fakatoota, the priest's attendant who was regularly appointed by Kautae. These were used anciently in place of coconut shells. Salt water did not make Kautae sick. The god was still in Kautae when he drank salt water. Kautae shook all over when the god was in him. The movement of the body was an up-and-down trembling, arms flexed and shaking, head bowed slightly, eyes staring. 776 773 755 787 [43] [415]

The succession to the priestly office of Kautae seems to have been as follows: (5) the incumbent of 1921; (4) the incumbent's father; (3) the incumbent's father's father's brother's son; (2) the incumbent's father's father's brother; (1) the incumbent's father's father. 793 428 ●

The present Kautae said that, when a new priest was appointed at the death of the old one, the god enters the new priest, even though the new priest was only an appointee of the chief or of the king. The present Kautae, who is a Christian, has never felt as though the god were going to enter him. His son, who will probably succeed to the title, is called Halafaiafenga. 793 776 276 [795]

There are two tales about an alleged tomb of the god Taufaitahi which lies beneath the sea. One version places this tomb between Vavau and Niuatoputapu. It is said that in looking through the waters from a boat one can see the white tomb (*faitoka*) and usually near it Taufaitahi himself in the form of a white shark. The other tale attributes the tomb to the bay of Mua in the lagoon of Tongatabu, and between the island of Moungatapu and the place called Nahafu. It cannot be seen from the surface of the water on account of the mud, but by diving the alleged grave can be seen, a stone surrounded by white sand; it is called Muliafanini. The god himself is said to have dubbed this submarine spot his grave. 776

A tale refers to the seizing of a man named Fatuimoana by the shark god Taufaitahi: 776 825 773 [521]

A number of people were going to the island of Motutapu, Tongatabu, one day to attend games of playing in the surf (*fanifo*). The shark seized Fatuimoana by the arm when he dived and dragged him beneath the water. The people could look down and see the victim being held by the great shark. The priest of the god was sent for and came in the boat. He dived down and brought the drowned Fatuimoana to the surface. The body of the victim was taken to the Hahake district in Tongatabu and the inferior relatives of Fatuimoana had their little fingers cut off and brought as offerings to Kautae who was begged to restore Fatuimoana to life, but all in vain. [782]

PRIESTS AND POSSESSION

Tongan priests and priestesses suggest Turkic shamans, inasmuch as they become inspired by the gods, by lesser spirits, and by the spirits of the ancestors of chiefs or of recently deceased chiefs. The resemblance to the shamans applies particularly to those Tongan priests who became inspired by the spirits of deceased human beings, who, it was believed, came from Puluotu to convey to the living certain messages. The resemblance becomes even clearer when it is recalled that the Tongans apparently regard the spirits of chiefs and gods as being essentially alike. In fact, at the present time both gods and ghosts are called *tevolo*. The term *ulusino* refers to possession by a god or spirit. Baker defines *ulusino* as "to be possessed by evil spirits; to dwell in the body; to be one with man, applied to the gods."

If the spirit that manifested itself in a priest or priestess was of human origin, it was invariably that of a great chief, such as the Tui Tonga, rather than the spirit of a person of inferior rank. It is said that those mediums who became animated by the spirits of dead Tui Tonga had no special house of worship. They would seem not to have been regular priests who were already dedicated to the service of some god, but rather individuals who suddenly became inspired by the spirit of the deceased. Mariner (40) gives examples.

Tongan priests and priestesses further resemble shamans at least superficially, in their supposed ability to cure illness, not, of course, through their own unaided efforts but through their intercession with the gods. The sick and infirm were brought to the houses of these priests when the gods were besought to cure them. Sacrifices were offered and oracles obtained through the priest who became inspired by the god, the oracle usually foretelling the course and result of the illness.

Priesthood appears normally to have remained in particular families, and it appears that either men or women might become inspired. Priests are known by the terms *taula otua*, *taula eiki*, *taula tevolo* (devil), *toumama*, *faahikehe*, and apparently *feaa*. The word *toumama* means in general "the people or worshippers of any given god." The term *feaa* given by Farmer (23, p. 128) may be but an abbreviated form of *faahikehe*, a term also meaning god, spirit, ghost. Presumably *faahikehe* was applied only to a possessed priest.

Apparently it is permissible to regard the Tongan deities as somewhat in the nature of a North American shaman's familiar, except, of course, that the American shaman's familiar or guardian spirit does not actually enter him and speak through him. In Tonga it was impossible to obtain information about guardian spirits other than family gods.

Some forms of illness, called to-day *faitoo fakatevolo*, are believed to be caused by a god or spirit entering the body of a person and thus making him ill. Special medicines and cabalistic signs made with the hands are employed today to dislodge such an unwelcome tenant. Another belief of the present time is that certain illness is caused by the god or spirit biting the sick person. Such an afflicted individual may say, "Nae tai au ehe tevolo" (The devil has bitten me). I have heard it said that sometimes the discomfort caused by over-indulgence in liquor is attributed to a divine visitation.

Middle age is the most popular period of life at which a person becomes a medium for a god or spirit, although sometimes the deities and spirits manifest themselves through younger men and women, but never through children. Anciently, the god manifested himself through the successor of a priest, but only after the death of the old priest. Usually priesthood passed from father to son, but sometimes the deity or spirit entered some other person unexpectedly. That person would inform the Tui Tonga of the fact and would then be appointed to the priesthood. The priest of Pulotu Katoa was always appointed by the Tui Tonga, and presumably some other priests were too, although it is not unlikely that many were appointed by the chiefs of the families or lineages for whom they officiated. The priests of Tonga did not form an association or brotherhood, as each seems to have worked independently of his colleagues. This state of affairs is attested by the absence of organized resistance to Christianity. The Tui Tonga was declared emphatically by all informants, including Rose Fatafehi, son's daughter of the Tui Tonga Laufilitonga, not to be a priest, in spite of the statement of certain early writers to the effect that he was the high priest of Tonga. My informants pointed out that the Tui Tonga did appoint priests to represent the gods and especially the priests of Pulotu Katoa, but that he himself was no priest.

Though the informant Tamale thought that the term *toumama* applied only to priestesses and that *taula* applied to priests, there seem to be no data to substantiate his opinion. Another informant said that the stem *mama* refers to the will of the god. This same informant gave another term for priest, namely, *fakahaalecanga*. No other informant, however, gave this term and it may be therefore another rare synonym for *taula otua*. Ana Manu of Haapai gave the term *fakafafonga* (representative) for priestess.

Each lineage seems to have had a deity with a presiding priest who had in charge the *fakafaanga* or precious and sacred possessions of its god. Part of the *fakafaanga* were fine mats which constituted a form of wealth. One mat in particular was kept folded and on the occasion of the appearance of the god was spread out for him to rest upon. This mat was treated virtually as a shrine. It might not be disposed of under pain of death at

Tasman (30, p. 32) mentions the respect paid to the sea snake: "I have 778
seen one of these persons take up a water-snake which came floating by 825
his prow, lay it upon his head with great reverence, and then put it into the 776
water again."

Neither the large green tree lizard called *fokai*, nor the pretty little
skink called *pili*, seem to have been sacred to any god.

MANA

The word "mana" in Tongan means "miracle, thunder; to bewitch, to 778
cause something to happen to another." Apparently the Tongan concept [171]
of mana differs from the Melanesian concept, inasmuch as the power is
not believed to be resident in stones and other natural objects which can
be placed in a plantation or on the reef to secure success in horticultural
or fishing operations. To be sure, if a man's yams grow well and his pigs 778
multiply, it is said that he has mana, but the mana is due to the favor of a 776
god, or gods, not to an impersonal supernatural power. Ghosts and de- [775]
parted relatives were never the source of mana in Tonga, but only the [784]
tupui otua or original gods. Conversely, loss of mana is due to conduct
displeasing to a god.

A son can inherit his father's mana only by following his father's con- 778
duct. Should the son err, the mana may leave him, being bestowed upon [428]
another man. To-day it is thought that mana attaches to a good Christian,
especially a clergyman (*faifekau*). A man, poor but a good Christian, who
is quickly blessed with plenty, has had mana bestowed upon him by God.
A person who fails to achieve success does so because of the non-bestowal [777]
of mana upon him, which is no more visible than is a god, its presence being
manifested by an abundance of world's goods. One informant gave the term
mofi (to astonish, to cause fear) as the word describing the power of a god,
which is probably to a large extent equivalent to mana.

One informant took pains to emphasize that faith in the gods, not offer- [776]
ings, was the necessary prerequisite to the acquisition of mana. Other in- [782]
formants said that prayer and sacrifice to the gods were necessary. A per- [777]
son who is endowed with mana is called a *monuia* (lucky person), a term
based on the stem *monu* (lucky).

The term *manahi* (obviously based on the stem *mana*) means anger. If 778
a father were angry ("wild") at a son for two or three years, the son would 753
be likely to sicken and die. The father, however, could make him well again [593]
by forgiving him and touching the son's body with his hands. Presumably
the same result would follow from the anger of any superior relative.
Maatu, the chief of Niuatoputapu, had the following to say:

565 also make themselves acquainted with tradi-
[179] tionary records, and hand them down to their
[422] sons. When a mataboole dies, his eldest son,
or, if he have no son, his next brother, becomes
a mataboole. All the sons and brothers of ma-
tabooles are mooas.

Mooas are the next class of people below the
matabooles; they are either the sons or bro-
thers of matabooles, or descendants of the lat-
ter. As the sons and brothers of matabooles
are mooas, and as no mooa can become a mata-
boole till his father or brother whom he is to
succeed be dead, so, in like manner, the sons
and brothers of mooas are only tooas, and no
tooa can become a mooa till his father or brother
[796] whom he is to succeed be dead. The mooas
have much to do in assisting at public cere-
monies, such as sharing out food and cava
under the direction of the matabooles: they
sometimes arrange and direct instead of the
matabooles, unless on very grand occasions,
Like the latter, they form part of the retinue of
chiefs, and are more or less respected accord-
ing to the rank of their chiefs. Most of the
mooas are professors of some art.

[693] Both matabooles and mooas have the business
of attending to the good order of society, to
look to the morals of the younger chiefs, who
are apt to run into excesses, and oppress the

THE TONGA ISLANDS.

91

	<i>Toofuonga fo vāca</i> ; canoe-builders.		555
	<i>Toofuonga fino le</i> ; cutters of whale-teeth ornaments.	Followed both by <i>matabooles</i> and <i>moos</i> .	461
	<i>Toofuonga taboo</i> ; superintendants of funeral rites.		565
	<i>Toofuonga ta maca</i> ; stone-masons, or makers of stone vaults.		[396]
Hereditary.	<i>Toofuonga jia cubenga</i> ; net-makers.		[306]
	<i>Toofuonga toty ica</i> ; fishermen.		[767]
	<i>Toofuonga langafalle</i> ; large house-builders.	Followed both by <i>moos</i> and <i>tuos</i> .	[324]
	<i>Toofuonga la tattoo</i> ; those who perform the tattoo.		[286]
Hereditary or not.	<i>Toofuonga tongi acow</i> ; club-carvers.		[226]
	<i>Toofuonga fy cata</i> ; barbers or shavers with shells.		[331]
Hereditary.	<i>Tangala fe oomoo</i> ; cooks.	Followed only by <i>tuos</i> .	[305]
	<i>Kyfunnoa</i> ; peasants.		[322]
			[306]
			[252]
			[241]

Property in these islands, as may easily be conjectured, consists principally in plantations, houses, and canoes, and the right of succession to it is regulated by the order of relationship, as given under the head of Nobles, p. 83, so in like manner is the right of succession to the throne.

Having now given a view of the rank of individuals in society, with reference to religion, civil government, and professional occupations; we have now to consider it in respect to old age, sex, and childhood.

Old persons of both sexes are highly revere- 888

OF THE TONGA PEOPLE.

147

people; for it is not only to those who are old, ⁸⁸⁸
 both in years and wisdom, that such respect is ⁵⁷⁷
 paid, but every aged man and aged woman en-
 joys the attentions and services of the younger
 branches of society. Great love and respect ⁵⁷⁷
 for parents is another prominent mark of their ⁵⁹³
 character; and, indeed, it must be so, as it
 arises out of a two-fold motive: i. e. they pay
 respect on the score of parentage, and on that
 of superior chiefship or rank. Every chief also ^[565]
 pays the greatest respect towards his eldest sis-
 ter, which respect he shews in an odd way,
 but it is according to custom, viz. by never en-
 tering into the house where she resides; but
 upon what exact principle, except custom, Mr.
 Mariner has not satisfactorily learned.

The same principle of love and respect for ⁵⁷⁷
 parents and superiors engages every man to se- ⁴²⁸
 cure and defend his hereditary rights as another ⁷⁶⁹
 point of religious duty, and in honour to the
 memory of his ancestors, from whom he re-
 ceived them. By a farther extension of the ¹⁸⁶
 same sentiment, he loves the island on which he
 was born, in particular, and all the Tonga
 islands generally, as being one country, and
 speaking one language. But the *amor patriæ* ^[721]
 in the more extended sense, cannot be supposed
 to prevail in a very high degree, for, having no ^[634]
 wars with foreigners, the opportunities for the ^[669]

- 599 19. Kanakana is a pool in Teeki, western Tongatabu, where dwelt the god
 Tutula, or Haelefeke, who appeared in the octopus (*feke*). Besides the advice to
 [825] Falepapalangi to go and find a pool and the trees as subjects of his verse, there seems
 [716] to be the idea also of finding a god to be the patron of his muse.
 [825] 20. For *ai* (almond tree), *voi* (water, pool) may be read as a variant, and instead
 of *so* (two), *so* (there). Without knowing just what is referred to there is no way
 of choosing definitely between the various possible readings. The man may be repre-
 sented as speaking to someone in Hihifo "who knows," and asking "Where is that
 almond tree, or pool that you people talk about?" or as asking "Where is the double
 almond tree, or double pool?" Two pools, or two trees, close together, would make a
 sufficiently conspicuous land-mark to be noted, and *so* is probably the correct reading.

Pages 67-69. A poem of Falepapalangi

- 599 1. A chief sometimes gives his kava to someone of lower rank than himself,
 usually as a reward for services rendered. This bestows on the man to whom the
 kava is given the right to clap and have the cup brought to him when the chief's name
 2716 is called. This privilege is transmitted from generation to generation. The hypothetical
 514 charge which Falepapalangi is considering is that of having brought to him in the kava
 [565] ring a cup which has not been so given to him, a much more serious usurpation than
 [465] merely draining off a cup of someone's else drink.
 [428] 2. Falepapalangi seems to claim having borne off the prize, probably against
 Mamaeapoto on some specific occasion when the King was present. There is a possi-
 bility, however, that he refers to his poetical skill as a heaven-sent gift of the gods;
 599 Tangaloa is the lord of the heavens. It is in keeping with the spirit of Tongan poetry
 [716] to consider all the possible meanings and allusions as more or less involved.
 3. Kafoa and Talau are hills in Vavau. That the hills had fallen means that
 Vavau, in the person of Mamaeapoto, had been defeated in poetical contest, and, as a
 Tongatabu man, Falepapalangi turns the tables on Mamaeapoto's assertion that the
 Tongatabu poet has neglected the beauties of his own land to abuse the poet of Vavau.
 Falepapalangi contends that he, the Tongatabu poet, has not been unmindful of the
 claims of Vavau to commemoration; that his rival has mentioned to him places in
 Tongatabu that might be visited for poetical inspiration, and in his retort infers that
 he knows and is quite willing to celebrate Mamaeapoto's land.
 4. Meaning "We were in complete accord about the charms of Vavau."
 5. The king, the Tui Kanokupolu, and those connected with him, are called
 [644] *hao mohefo*. *Mohefo* is the daughter of the Tui Kanokupolu, who was taken as the
 [192] principal wife of the Tui Tonga. *Mohe* in *mohefo* is not the same root as *mohs*,
 sleep (compare with *mohefo*, the Samoan *masifo*).
 [644] 6. Pangai is the court of the Tui Kanokupolu, or the place where this king holds
 [192] his court and great gatherings.
 [192] 7. The word *liku-loto* is used of an inland place that is precipitous and has the
 appearance of the cliffs of the weather coast. It is proverbial for that which is not
 what it seems.
 8. The term *faka-tovov* (Vavau fashion) is proverbial for talk that is boastful.
 9. "Hiding and squeaking" is used of that which hides, but reveals its presence
 by noise. Here, apparently, it means lying low and uttering complaints hard to understand.
 [524] 10. This metaphor is from the game of *lajo*. The raised edge of the mat on which
 the pieces are thrown is called *kaumahu*; players were able to make good use of this,
 as a billiard player makes use of the cushion. *Futa kaumahu* (pride in the raised edge)
 is pride over a successful shot due to the mat rather than to the player's ability. Hence
 it indicates boasting of what is due to extraneous circumstances rather than to skill.
 Evidently Falepapalangi refers to an occasion on which Mamaeapoto has defeated him.
 Possibly the themes of the poets on that occasion were their native lands, and Fale-
 papalangi means that Mamaeapoto's victory was due to the scenic superiority of Vavau
 to Tongatabu rather than to the poet's skill.
 [825] 11. Perhaps a living dog, or perhaps merely a way of saying that the matter be
 [716] left to one who is good at following up clues. A dog was prominently associated with
 the worship of the god Pulotukatoa in eastern Tongatabu.
 12. The theft is Mamaeapoto's claim to seamanship.
 13. That is, the place where people sit and talk on deck, as distinguished from the
 working part of the ship. Falepapalangi says that Mamaeapoto wants to leave the

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no opportunity therefore, to obtain any close or intimate knowledge of any non-Tongan domestic economy, domestic morals, domestic manners, or domestic relations. What slight knowledge there may be on these topics among the village women is derived almost entirely from Convent schooling or gossip. From this viewpoint our own stay in the village might possibly have added something to the culture of the more observant or curious of the village women.

ECONOMIC LIFE

CONTROL OF LAND

All land in Tonga is ultimately owned and controlled by the Crown. Functionally it is divided into three groups: Government estates, the estates of nobles, and the Royal estates (including those of the Queen and Crown Prince). Of the thirty-nine estates into which Vava'u is divided, seventeen are Government, sixteen are noble, five are Royal and one is the estate of the Crown Prince. Again in theory, each adult Tongan male above the age of sixteen years is entitled to an allotment of $8\frac{1}{2}$ acres of land from the Government estate for which he pays taxes at the rate of eight shillings per year. Land is not sold to anyone. Applications for the leasing of land are made to the Minister of Lands. Land from the Royal estate or from that of a noble may be acquired by lease and may be inherited in either the male or female line provided the rent of eight shillings per year continues to be paid.

Pangaimotu (the island of Pangai) is Royal estate. Within the limits of Pangai village, the residential sections are nearly all controlled by named households. The bush lands on the islands are divided into sections called *api uta*, more briefly *api* (see Fig. 1), which range in size from eight or nine to sixteen or twenty acres. Each of these bush *api* is leased for the usual rental of eight shillings. As long as the rental is paid, the lessee has full control of his *api* and full right to produce what he pleases thereon. Should the rent, however, be in arrears for three years in succession, the land may be allotted to another individual.

423 There is a certain measure of inequality among the
 427 villagers in regard to leased *api*. Thus thirty-six men are
 428 each lessees of one *api* of the smaller size. Six men are each
 lessees of one big *api*; three men each rent two *api*; one
 man rents three *api*. The number of *api* that a man may
 rent depends somewhat on the vagaries of inheritance. This
 may be shown by the case of Biukala who controls three
api on Pangaimotu and one in Tongatapu. In August, 1939,
 Biukala rented the last free *api* on Pangaimotu. He also
 controls the *api* of his dead father which in turn passed to
 his mother who now lives in Nukualofa. Thirdly he controls
 the *api* of his mother's mother (her husband is also dead).
 A fourth *api* in Tongatapu Biukala has inherited from his
 deceased father who was a Tongatapu man. Biukala pays
 rent each year for all four *api*. When his mother or his
 grandmother dies, Biukala may decide either to control their
api exclusively for his own advantage or else arrange for a
 close relative to use the land. He could also, if he wished,
 relinquish the land by defaulting on his taxes.

(425)
 (651)

423
 427

It is obvious from this that as long as a young man
 wishes to remain in the village of Pangai, he cannot
 necessarily look forward to controlling by lease an *api* on
 the island of Pangai. Thus, according to Biukala, the male
 children of a man who rents but one *api* have now no hope
 of renting *api* for themselves on Pangai island. When they
 reach adulthood, they will either have to make arrangements
 to share the produce from an *api* controlled by another or
 else seek land away from their home village. Biukala
 estimates that one *api*, properly cultivated, could produce
 ample food for at least twenty cultivators and their house-
 holds, although with this type of relatively intensive cultiva-
 tion the amount of copra obtained from the land would
 become negligible.

(311)
 (241)

423

The location of the plantations traditionally associated
 with residents of Pangai village is given by the numbers in
 Figure 1. Of the 81 plantations surrounding Pangai, 53 are
 controlled by present residents of the village (44 by Pangai
 men, 5 by Pangai women, 1 being associated with the village
 school and 1 with the Free Wesleyan Church), 30 by past
 residents of the village. Of this last number, 13 are now
 resident in Neiafu, 13 in other nearby villages of Vava'u,

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when respect is due to a superior. The materials are pandanus-leaves. The plaiting technique is typically Polynesian. The finest mats worn as *vala* (*ta'o vala fala*) are very scarce in Pangai today. They are about eight feet by six feet in size and plaited with twelve to fourteen elements to the inch. Such mats take an ordinarily industrious woman from two to three years to complete. Few Pangai women seem to have either the skill or the patience to make these mats today. They have therefore a great scarcity value. They are worn only on Sundays, special festive occasions or when meeting a superior. When not in use they are kept in safe, secret places to avoid any possibility of theft.

Many of the fine mats worn today have been inherited. Thus one woman has inherited hers from her mother's mother and expects in turn to pass it on to her own daughter. Both men and women wear these fine mats fastened with a length of braided or twisted sennit termed *ta'o vala kafa*. The sennit is worn round the waist on top of the mat. There appears to be no single and specific technique for making this sennit "belt." Each man makes his according to what skill he has at his command.

As the fine mats become rarer still in the village, it is likely that there will be developed some new material through the use of which respect may be symbolized. Possibly one of the finer and more expensive commercial cloths will be adapted to this end and will become as necessary an item of clothing as the fine mat is today.

EXPERTS

For most of the work activities of this Tongan village no more expert knowledge is required than is possessed by the average man or woman. He or she is capable of doing the task that is required or of acting as leader of group-work. Some types of work however, require the leadership and direction of a recognized expert (generically, *tufunga*), one who has special knowledge, acquired through training, of the relatively complex techniques involved. In Pangai today there are four recognized experts in the making of European-style houses, one expert in the building of Tongan houses; one expert undertaker; four expert dug-out canoe makers; two experts in the art of making the built-up plank-canoe;

13: Beaglehole & Beaglehole E-5 (1938-1939) 1941
 OU9 Tonga OU9
 Vavau
 Pangai

PANGAI: A VILLAGE IN TONGA

61

family. He has an *api* of about ten acres, part of which he uses for gardening, part for the growing of coconuts and bananas. His income from the sale of copra and bananas is about £10 a year. His fixed expenditures for twelve months were:

434
 511
 592
 311
 423

Government rent for <i>api</i>	8s 0d
Government poll-tax	£1 16s 0d
Church contributions	£2 0s 0d
Total	£4 4s 0d

This leaves Sesoni about £6 a year for expenditures on clothing, kerosene, soap, matches, tobacco, and extra foods for his household. The money buys very little of these extra items. But Sesoni seems to get along well enough.

A second record is that of Biukala. His household consists of four adults and five children. His is a higher standard of living because of the fact that he has come to control by inheritance and immediate renting three *api* in Pangai and one *api* in Tongatapu and has had some initiative in growing vegetables for sale to the Europeans in Neiafu. He is a young man, a graduate from the government college in Nukualofa, with definite ideas of raising his status and that of his children. In this he is a-typical. In other words, he is not the easy-going villager. He is a man with a mission in life. His budget, therefore, is not typical of the other villagers. It may be given in detail, however, to show by contrast what a high standard of living is for a Pangai household.

(428)
 (427)
 (423)

(156)

TABLE 8.—INCOME AND EXPENDITURE
 7 months (June-December, 1938)

Income			Expenditure		
	£	s d		£	s d
Sale of copra	6	3 0	Poll-taxes	1	8 0
Sale of garden produce	10	19 6	<i>Api</i> rents	1	0 0
Sale of tobacco leaf	3	8 6	Church gifts	3	8 0
Sale of pigs	1	17 0	Son's birthday feast	3	7 6
			Food, seeds, clothing	2	19 3
			Christmas gift to mother	5	0 0
Total	£22	8 0	Total	£17	2 9
Cash balance £5 5 3					

592 The variation in the numerical composition of the
 162 Pangai households is shown below:

Persons per household —	1	2	3	4	5	6	7	8	9	10	11	12
Number of households —	3	3	2	4	9	5	1	6	5	4	1	1

Households with a numerical membership of four to ten persons account for seventy-seven per cent. of the total number of households.

ADOPTION

597 There are two types of adoption practised in Pangai. The first is a permanent adoption (*ohia*). It involves a complete change of family and household. The child is bespoken generally before or immediately after birth. The adopting parents provide food for the pregnant mother and
 [553] for the infant during the nursing-period. They also name
 [862] the child, taking possession of it after weaning is completed. At this time the break is made with the blood-parents and the child is thereafter known as the child of the adopting parents. As it grows up it will learn kinship terms and
 [867] terms of respect for the relatives of its adopted parents, not
 [601] for those of its own blood-parents. It will also expect to inherit property, status and rank, if any, from its adopted
 [428] parents.

The other type of adoption is an impermanent feeding-relationship (*tauhi*). Relatives ask for a child or parents ask relatives to take a child if the relatives are lonely or elderly or if the parents find that they have more mouths in the household than there is food to go round. The relatives feed and care for the child, but the child may return to its parents any time it is convenient or circumstances so change
 [603] that this return is desirable. Very often grandparents take
 [428] charge of a grandchild in this way, leaving property to the grandchild when they die.

The feeding-relationship is the more common of the two types of adoption. Of twenty-five cases of adoption known to informants among the village population of 268 persons, only two were of the permanent type, the remainder being of the feeding-type. It is obvious from this that complete

671 A Tongan who wished to strike his enemy had first to
645 ascertain whether he had children. These are only two
797 out of the many claims put forth by the late Premier
in this wonderful book to a high place among the un-
conscious humourists of literature.

692 Following the general policy of complicating the ad-
ministrative machinery of the tiny State, the law estab-
lished a vast number of unnecessary law courts. There
were (1) the Judicial Committee of the Privy Council;
(2) the Supreme Court; (3) the three District Courts;
(4) the Police Courts. There were thus three appeals
against a decision of the police court, and each appeal
[696] brought in fees. Even in criminal cases the unfortunate
defendant was ruelcted in fees which had to be worked off
in the form of additions to his term of imprisonment.

692 Besides these courts there were—the Probate Court,
695 the Divorce Court, the Admiralty Court, the Lands Court,
and Courts-Martial, for none of which was any form of
428 procedure laid down. In the case of disputed wills I
695 found the practice to be for one claimant to seize the
property, and for the other to prosecute him for larceny.
In one case an unfortunate widow was convicted at the
suit of her stepson of *stealing* her late husband's house in
which she was living.

671 We condemned this code on its first hearing. No
645 amount of amendment could make it work. The Tongan
177 version was unintelligible; the English was ridiculous.
Nothing less than a new code would meet the necessities
of the case. I confess that at first I recoiled from the toil
of drafting a code, translating it into Tongan, taking it
through Parliament, and passing both volumes through

THE LAND LAWS.

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paid to the lords of the manor, the Government was 421
virtually the landlord, and the king had voluntarily made 423
over to the Treasury all rents due upon the lands not 643
included within any "inheritance."

The chief obstacle that would confront every Govern- 423
ment in Tonga would always be the difficulty in collecting 651
the poll-tax. The people required some stronger incentive
to pay than the fear of levy by distress. To meet this
difficulty I adopted an idea, suggested to me by Mr Han-
slip, that the tenure of land should be made dependent
upon the regular payment of taxes. I converted the poll- 423
tax into a land-tax, and gave to every taxpayer the right 428
of occupying one allotment of a fixed area, inalienable in 651
his family so long as he and his heirs continued to dis-
charge their debts to the State, but liable to forfeiture if
for three successive years they were guilty of neglect. As [885]
each man arrived at manhood he was entitled to claim an
allotment; and when the father of grown-up sons died
his widow kept his allotment for her lifetime. At her
death each of the sons might choose whether they would
relinquish their own holdings in favour of their father's
or not; but in no case could a man occupy more than
one holding. Thus we combined the "Nationalisation of
land" with the institution of lords of the manor. By 423
changing the name of the tax I disposed of the necessity 651
for claiming it from Europeans, since, being possessed of 563
no land of their own, they could not reasonably be called
upon to pay a "land-tax." The poll-tax had for many
years been the chief grievance of the traders, for Euro-
peans will pay an amount of indirect taxation which, if
imposed in direct form, would cause a rebellion.

Tongan landed chiefs are land hungry. The old practice was to claim as much as possible of the neighbouring lord's territory upon his death. Careful surveys now being made by the government are fixing permanently the boundaries of hereditary lands, so that expansion of one's holdings at the expense of some minor heir who is unfamiliar with his inheritance will soon be no longer possible. It is of interest to note that the chief who would be Tui Tonga, if that office had not been abolished, has by legal procedure in recent years secured the return of lands improperly claimed by others.

Euro-American culture has had a hand in transforming the Tongan population from a rural one to a village-dwelling one. The transformation had its beginning at the end of the eighteenth century when civil war forced the people to leave their farms and seek refuge in fortresses. Thus village life seems to have begun. Then came the missionary and a great wave of religious enthusiasm which served to reinforce the new village ties rather than to dissipate them. The copra trade and the scant attention required for the coconut trees doubtless, in a negative way, has helped to perpetuate the village life. The result is that modern Tonga is a country of villages. The farms surround the villages at varying distances and the villager makes periodic excursions to his eight-acres of farm land. All of this has not been beneficial to agriculture. Much land once cultivated intensively has become bush. There are signs, however, of revival. A prominent chief is inducing his people to give up village life and dwell on their farms. Recently introduced agricultural fairs seem also to offer a much-needed stimulus. It seems likely that the next few decades will see a return to the intensive cultivation of heathen days. The series of food plants has been much enlarged by introductions.

Tracts of farm land are sometimes given the names of foreign lands with which the Tongan has become acquainted in school. More frequently, however, tracts within the villages are given such names. The Tongan seems to have a considerable interest in geography and he likes to travel. His geographic poems amply attest this. This love of travel and of topography is still rife. The monthly steamers and the sailing passenger boats carry many Tongans from one part of the archipelago to another or to more distant Samoa and Fiji. Modern vessels continue to cater to the Tongans'

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MODERN TONGA

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tion of the whole Kingdom and to his assumption of the powers and dignities of a ruling monarch. France, Britain, Germany and the United States soon recognised him as such, largely because the settled condition of his Kingdom removed the usual excuse for European intervention. The remaining decades of his long reign were remarkable for a series of reforms which transformed Tonga from a chaotic native feudalism to a stable modern state. Serfdom was abolished, all land vested in the Crown, and every male Tongan guaranteed a standard leasehold at a nominal rent. The usual European civil rights were granted and a parliament set up with representation shared among the Crown, the people, and a newly created class of hereditary nobles. At the same time the foundations were laid for a civil service and for a state education system. Early in the present century a Treaty of Friendship and Protection was signed whereby Britain guaranteed Tonga's defence and independence in return for full control of her foreign relations, exclusive naval facilities, and jurisdiction over Europeans. An amendment to the treaty obliged the King to accept the British Consul's advice and veto in financial matters and in European appointments to the civil service.

CONTEMPORARY SOCIAL ORGANISATION

The core of Tonga's social organisation is the land system, for more reasons than that farming is the only important industry. Land tenure underlies social relations, influences social groupings, provides the basis for a real economic democracy, and guarantees the people effective social security. All land belongs to the Crown, but the Royal Family and the Government do not directly control more than half of it. The rest is parcelled into hereditary estates held by the thirty-three descendants of the nobility, and by six hereditary matabules. These gentry, strictly speaking, have only a life interest in their estates, but lineal inheritance is invariable, estates reverting to the Crown only if there are no lawful heirs.

From the economic aspect they are mere rentiers, for the Crown reserves all rights of granting allotments and evicting tenants, controls all leases, collects all rents, and even prescribes the area a noble may retain for his own use. The old feudal rights have all gone, and today a noble's authority is limited to the rights of consultation in regard to tenants, of ordering outsiders off his lands, and of holding fonos, or compulsory gatherings of tenants to hear announcements and orders.

771 sources, it fell at once, like Dagon before the ark of
 177 God. Hence the cause, in a secondary sense, of
 797 the rapid spread of the Gospel throughout the
 whole of these islands. And, although, as we shall
 shortly have reason to show, heathenism made a
 stand for years in Tongatabu, yet that was owing
 to political conditions, and not because of any in-
 herent strength in heathenism itself.

565 The political constitution of the country was
 [642] that of a monarchical despotism, supported by an
 hereditary aristocracy. The ranks of society, be-
 sides the priestly orders, were well defined, and
 fixed as unalterably as the castes of India. The
 grades were these:—the *Hau*, or families of the
 blood royal; the *Houeiki*, or chieftain orders; the
Muas, or gentry; the *Matabules*, or official attend-
 ants and companions of the higher classes; and the
Tuas, or common people. Certain subdivisions
 [463] were also recognised under each of these orders,
 [428] and professional employments were strictly here-
 ditary; such as those of carpenters, fishermen,
 undertakers, doctors, &c., &c.

565 Rank was hereditary, and descended chiefly
 562 through the females; who sometimes, although
 [428] rarely, held the reins of government in their own
 [611] right. Hence the women of Tonga were never
 oppressed and burdened, as in many heathen lands.
 On the contrary, the females of these islands were
 kindly and considerately treated, and we might
 almost say they were idolized by the sterner sex.

562 It must, however, be observed, that the succes-
 611 sion of rank through the mother originated, pro-
 174 bably, in the great licence existing between the
 831 sexes. If it were difficult to designate the father of
 a child with certainty, no doubt could exist with re-

Land Tenure and Social Organisation in Tonga

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In terms of the traditional social and political organisation, all land in Tonga belonged to the sacred Tui Tonga. After the familiar feudal fashion (for traditional Tongan society was a "fully developed feudal system"), there were chiefs who were "lords of large districts of territory" and who held their lands from the king in return for taxes and military service. These "principal barons, as they may be called" sublet their holdings to their lesser kinsmen and followers, and everyone held land from his superior in a pattern similar to that between the king himself and his barons. Gifford quotes W. D. Alexander in this connection as follows:

From the Rev. Thos. West we learn that "the lands were held in fief." The great landlords held them by hereditary right, but subject to the king, and they in turn subdivided them among their kinsmen and followers. It was on the great chiefs that the king depended for military support, which they willingly rendered him, as the title by which they retained their possessions. Through them also the king received a general tribute from the people. The chiefs, also in the order, claimed the service or property of their tenants. The lowest order was ground down and oppressed by that above it. The "Tuas" could not call anything their own. The great chiefs could seize on whatever took their fancy. Besides, the king or his representatives could assess labor upon the whole community whenever he pleased. The chiefs also claimed a share of all the fish taken by their tenants. The most servile homage was rendered to them as in the Society and Hawaiian Islands. On a father's death his property descended to his children. On the mother's death her property remained with her husband and children, not excepting her *dower* land, which did not revert to her own kindred as in the other western groups, where tribal tenure prevailed.

This passage needs some elaboration to be entirely clear, for it is closely associated with the lineage organisation of Tonga. The Tongan lineage, known as the *ha'a*, was based upon patrilineal descent, but depended upon the existence of a powerful chief (i.e., an eldest son in a line of eldest sons) at its head to preserve it. With the political vicissitudes of these chiefs, however, their lineages waxed and waned, and at times the weak ones were absorbed by the stronger ones so that *structurally* drastic realignments would occur. The Tongan *ha'a* was therefore not a pure lineage in the classical sense, but a political association of people around a lineage core under a powerful chief. This clarifies Alexander's reference to "kinsmen and followers", for a lineage contained both; and to "the great landlords", who were the heads of these lineages.

What was the role of such a lineage organisation in land tenure? Referring to the present, Gifford says that "the lands of each lineage Tongatabu tend to form a compact area" and refers to a map which

* Alexander 1888, quoted in Gifford 1929:171.

* Cook 1784a:412, quoted in Gifford 1929:171.

* loc. cit.

* Alexander 1888, quoted in Gifford 1929:171.

* Gifford 1929:33.

per annum for each holding of about eight acres. In dealing with the land I could not hope to rid myself of these superfluous landlords, but I could, without evoking dangerous opposition, deprive them of all power over their estates. I determined to make the Crown collect their rents and pay it over to them, while reserving to itself all rights of granting allotments and evicting tenants. Thus for all practical purposes the land still belonged to the State; for so long as the rents were paid to the lords of the manor, the Government was virtually the landlord, and the king had voluntarily made over to the Treasury all rents due upon the lands not included within any "inheritance".

Thus the changes affected, while they resulted in a reshuffle at the top of the structure, left the individual family man in much the same position as before. This last point is put most succinctly by the Beagleholes in a passage in their book:¹¹

The villager therefore no more owns his land today than he did in aboriginal times. A former produce "rent" or tribute is now paid in tax money. Present day security of occupancy is probably for many Tongan commoners greater than formerly when the will or caprice of a high official was the only fiat that counted. But in general, the villager has the same type of economy-status claim to his land and its produce as he had under the old system of Tongan land ownership and feudal control.

2—THE PRESENT STATUTORY FRAMEWORK

Today all the land in Tonga belongs to the Tongan Crown; but the traditional "inheritances" referred to by Thompson, which correspond to the holdings of the "barons" of former times, are now classified into Royal Estates, the estates held by members of the Tongan Royal Family as their traditional holdings; Noble Estates, the estates held by members of the nobility as their forefathers had done under the king in former times; and Government Estates, the remaining estates which are now under the direct control of the Government of Tonga.¹²

[428] The first two categories are often referred to as hereditary estates to distinguish them from Government estates and are now heritable at law as they were by custom. Each such estate is known as a *tofia* and may run into a thousand or more acres; each member of the Royalty as well as of the nobility may hold several of them in different parts of the kingdom (see fig. 1 for distribution of *tofia* on Tongatapu). From them, allotments are granted to individual Tongans.

On reaching the age of sixteen years, every male Tongan is entitled to receive a grant of 8½ acres¹³ of bush land as a tax allotment and a

¹¹ Beaglehole 1941:19-20.

¹² I am uncertain as to how these estates came to be in the hands of the Government. See passage from Thompson 1894:230-231, already quoted.

[809] ¹³ One often wonders why the awkward figure of 8½ acres. Traditionally the allotments made to individual Tongans measured 100 fathoms x 100 fathoms = 40,000 square yards. 8½ acres = 39,230 sq. yds.; hence it is simply the traditional measure taken to the nearest ½ of an acre.

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grant of not more than 1 rood 24 perches in a town or village area as a town allotment. Each allotment is called an *api*; the former *api tukuhau* and the latter *api kolo*. There appear to be only two legal restrictions on where the allotments may be located: the tax allotment and the town allotment must be in the same locality¹⁴ and the holder of an hereditary estate may refuse a grant to someone from a different area if there is not enough land on his *tofia* for all the people living in his own locality. Subject to these reservations, a man who applies for an *api* will normally be granted one if land is available, whether the estate is Royal estate, Noble estate or Government estate. 425 884 423

Although no one may hold more than one *api tukuhau* and one *api kolo*, a man may receive a block of bush land of 12½ acres at a rental of 4/- per annum if he forgoes his *api kolo*.¹⁵ Holders of land on hereditary estates may, in addition to the *api tukuhau* already in their possession, be granted a lease of an area not exceeding 5 acres at a nominal rental for a period not exceeding 50 years. Holders of tax allotments on Government estates may be given a lease over a greater area for the same period provided that the lease does not exceed the area of the allotment they already hold. 427 423

Each tax allotment carries a tax of 8/- a year and may be forfeited if the holder defaults from paying this amount for three consecutive years. The amount is collected by the Government which pays it over to the member of Royalty or of Nobility from whose estate it comes, or holds it as Government revenue if it comes from a Government estate. But of moneys received as rent from leases on hereditary estates, only 90 per cent goes to the holder. 425 423 651

As the Crown owns all lands, all applications for grants must be made to the Minister of Lands; applications for leases must also be made to him, but can only be authorized by Cabinet. The Minister approves grants only under certain conditions. No land holder may sell his holding or dispose of it in any way; nor may he enter into any agreement for profit or benefit regarding the use or occupation of his land other than in the manner prescribed by the Land Act. An alien may not hold or occupy land except as provided for in the Act, and a land holder may not permit an alien to reside on his holding unless the alien has obtained a permit or lease. An allotment holder must, within one year from the date of his grant, have growing on his allotment 200 coconut trees planted at intervals of 30 feet and must keep his holding free from weeds. He is not allowed to mortgage or make an agreement pledging or charging his growing crops. And he may not be expelled from his allotment by the holder of the *tofia* except on the authority of the Minister of Lands. 423 425 427 645 609 245 645

While disposal of land by individuals is absolutely forbidden by law, there are provisions in the Land Act by which land may be inherited. 423 428 425

¹⁴ i.e. village locality. This is not coterminous with the *tofia* area, for people in one village may hold land in different *tofia*. This restriction simply means that a man who holds a town allotment in one village cannot hold a tax allotment in another village or in another part of the kingdom.

¹⁵ i.e. he can have the equivalent of 1½ *api* at half the price of one. For a fuller treatment of the land law of Tonga, see Meek 1949.

423 inherited. In the case of hereditary estates the inheritance descends to
 428 the issue of the deceased holder in *infinitum*. Males and females may
 [562] succeed, but male issue is preferred to female of the same degree.
 Thus the estate devolves upon the eldest son of the deceased holder in
 the first instance, and if he dies, to his eldest son; if there is no such
 son, then to his eldest surviving brother who now carries on the line
 [848] under the same rules. A person not born in wedlock may not succeed;
 but for this purpose a person is regarded as legitimate even if he was
 obviously conceived before the marriage of his parents.

423 There are similar rules regarding tax allotments. The inheritance
 428 descends in the first place to the eldest son of the deceased holder; and
 562 if he dies, to his eldest son. If there is no such son, then his eldest
 surviving brother may succeed. But where there is neither son nor
 brother to succeed, an unmarried daughter may succeed for her life.
 If there are several daughters, however, they may succeed jointly for
 [581] their lives. A female's right to land under these laws may be put aside
 [833] if she marries or if she is proved in the Land Court to have indulged
 in sexual intercourse. With both males and females interest in land
 is never more than a life interest.¹⁸

3—A SAMPLE TONGAN VILLAGE AND ITS LANDS

101 The village in which I investigated the operation of this system is
 162 situated four miles from the capital town of Nuku'alofa. It is a fairly
 621 large village with a population of 653 persons living in 106 households.
 The village population represents 1.24 per cent of the entire population
 of Tonga.

621 The strongest single force binding the members of the village
 622 together is their common allegiance to their high chief who is also the
 [431] high chief of a number of other nearby villages. He is recognized as
 having the authority to call upon every household in the village to
 supply gifts of yams and pigs, mats and *tapa* cloth, whenever the need
 arises for such accumulations to be made, such as on the marriage or
 [431] death of a member of Royalty or of the nobility. Although there are no
 specified occasions for the presentation of first fruits to him by the
 villagers, and he does not call for any, particular households do occasion-
 ally perform the service voluntarily in recognition of his position.¹⁷
 423 Apart from the political aspect of such position, it has also a very
 621 important economic aspect: the estate from which individual tax allot-
 622 ments are granted to members of the village are his hereditary *tofia*.
 Tax allotments are regarded as being held from him, and this exercises
 a powerful influence in upholding his authority and strengthening his
 position in relation to the whole village.

621 There is also a Town Officer, who is appointed by the Government
 644 to be its representative within the village and through whom it makes

¹⁸ A person who succeeds to the title to land in this context holds the land for himself. He may permit others, including his brothers, to derive sustenance from it, but this gives them no right of their own to it.

¹⁷ See in this connection Beaglehole 1941:19.

133 The land is low-lying and absolutely flat as most of the island of
 132 Tongatapu is. Without hills to trap the rain clouds the rainfall is not
 134 copious, so that the land, which is highly fertile, is fairly easily worked.
 The flatness of the country is fully reflected in maps of *api* which appear
 as neat little squares formed almost by drawing straight lines from one
 side of the island to the other.

4—ACQUIRING AN *API*

423 How does a man set about acquiring an *api*? The commonest way
 425 is through inheritance, the rules for which have already been referred
 428 to.²⁰ But for those who cannot inherit, the usual thing done is to wait
 622 for an *api* to become vacant. A man then approaches the chief, either
 644 directly or through someone related to him, or the Town Officer, to
 obtain approval for occupying the vacant *api*. Once this is granted,
 approval by the Lands Department is pretty well assured, and all that
 remains is to complete the formalities.

For those who come from a different area the business of acquiring
 land is much more difficult. They may have to 'sit around' in the village
 for a considerable time before an *api* finally becomes available for them.
 They could try, of course, by applying directly to the Lands Department;
 but this is in any case subject to there being enough land to go
 round in the locality concerned. In every case, considerable influence
 is exercised at the local level, and the role of hereditary holder of the
tofia cannot be over-emphasised.

This is the general framework within which a man operates in the
 business of acquiring land. At this point I would like to quote the cases
 of three men who were interviewed on this subject:

A

I come from Niuafu'ou, and am using X's *api* to support both his
 family and mine. He has another *api* in M but does not use it. He is
 old and retired now. I am not related to him, but when I first arrived
 here I went and asked him if I could use his land as he was of the
 chiefly family and might have been able to help me get land (the chief
 was not here at the time). He agreed and I have been using his *api*
 since . . . I did ask the chief for an *api*, but there is none available.
 I said I would try at E, but the chief said he would let me have one as
 soon as it becomes available.

B

I am now living here with my wife and my grandson. I have only one
 daughter who is married in this village. I have no *api* of my own, but
 I share the use of her husband's *api* with him, and also use some of V's
 land. I have my own *api* in Vava'u where I have sons who are using it
 at present. I have not sold any cash crops from V's land because I
 just started using it in June. I have planted some bananas there, but
 433 the first crop is not yet ready. I do sell bananas from my daughter's
 husband's land, and the largest number of cases I have packed is
 about 5. I have no *api* because none is available for me. I am un-
 decided whether to stay here permanently; of course I would like to

²⁰ See p. 100.

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This sample is too small, but for what it is worth in the absence of a larger sample, the correlation coefficients between labour and production and between land and production suggest that money income varies more readily with the quantity of labour available than with the amount of land; i.e. a man is more likely to obtain a greater income by working harder than by increasing his land holding.²⁷ Uneven as it is, therefore, the distribution of land exerts only a minimal influence upon the amount of money obtained. This may partly explain why an uneven distribution of land tends to be left undisturbed; but this latter tendency may be tolerable only at the present level of economic development and may tend to disappear at a higher level. 434
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6—LAND USE AND LABOUR

The legal provision relating to the planting of coconuts at intervals of 30 feet is, by and large, followed consistently on the majority of the *api* I have seen. Amongst the coconut trees there would be food and cash crops of several types, bananas, taro, yams, sweet potatoes, *maitoke*, and even pineapples and water melons. In general, these are not planted in sharply defined plots but are interspersed one amongst the others, so that in an intensively cultivated *api*, members of all species would be found on each square chain of ground. This is more or less the general pattern, although there may be varying degrees of emphasis upon particular crops in particular parts of the *api*. Varying the pattern of emphasis would appear to me to play a similar role to straight out rotation. 311
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The coconut trees belong to the planter but are heritable with the land on his death or secession; and as their normal productive life is 50 or 60 years, they may change hands several times during their lifetime.²⁸ But the other crops, requiring from three to eighteen months to mature, are the property of the planter, whether he be the legal holder of the land or not. 423
[428]

The distinction between permanent and annual crops makes it easier to understand all the sharing of *api* referred to in the previous section. For while the current holder of an *api* owns the coconut trees and other permanent resources, he need not have the whole *api* under the less permanent crops at any one time.²⁹ This gives him room to permit a friend or relative to plant for himself a crop of taro or yams 423
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²⁷ My calculations produced correlation coefficients of $r = .32$ and $r = .54$ for land and labour respectively.

²⁸ The evidence of the 107 *api* which I studied shows that several of them had changed hands twice or thrice in the previous five or six years.

²⁹ The Beagleholes quote a man who estimated that up to twenty cultivators and their families can live off one *api*, Beaglehole 1941:18, but it is not clear whether this refers to an ordinary *api* of 81 acres or to one of the larger ones which may be up to 20 acres in area, Beaglehole 1941:17. In this connection it may be interesting to note that in a village of about twenty households which I studied in Fiji, the total area covered by food crops in various stages of development was found by detailed measurement to be 8.1 acres for all households.

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9—SOME CONCLUDING OBSERVATIONS ON LAND TENURE IN TONGA

There is no question that in legal conception the Tongan land tenure system is fundamentally individualistic in character. Land titles, which we saw refer to usufruct only, are granted in the name of individuals, not of social groups; and insofar as it is consistent with the provisions of the law, such individuals can and do enjoy their rights absolutely as individuals. They are at liberty to confer the benefits of those rights upon whom they please, provided it is not for profit and not upon an alien; and there is room for individuals to move from one *api* to another, again provided that certain conditions are satisfied.

But the law makes certain highly significant restrictions upon this individualism. For instance, one is denied the right of disposal of one's property—a feature normally associated with individual title. This provision hinders the development of an open market in land, and therefore denies the system the benefits of such a market. One such benefit is the ability of labour and/or capital to move freely between different pieces of land; this possibility is limited here. Such freedom of movement, moreover, is itself limited by the provision that one's *api tukuhau* and *api kolo* must be in the same locality. By and large this means that people can obtain land most easily only in the village of their fathers or, at any rate, in the *tofa* area of their own traditional chief (moving to a new area entails breaking new ground socially, economically and, in a sense, legally as well). Therefore, insofar as they follow the path of least resistance, they tend to be confined within such a *tofa* area; and insofar as this applies, the limiting proviso could potentially lead to unnecessary congestion in conditions of rapid population increase, and could also be a serious setback in a developing economy, for freedom of movement is an important condition for an economically efficient distribution of land.

From the economic point of view, therefore, such restrictions are bad. But such a stricture implies certain assumptions about economic organization which probably do not apply to Tonga. Indeed it could be argued that at the present stage of economic development in Tonga, the land tenure system has certain social advantages which probably more than outweigh the economic weaknesses. Thus it seems clear that apart from a strict and precise definition of the major concepts which govern the land tenure system, the land law of Tonga has made few really significant changes, and we have seen that some of these changes are not strictly recognised in social practice. The most important set of conditions (that which concern the relation of the landlord to his tenants), therefore, remain largely unaffected. The *tofa* holder still has, in practice, much authority with regard to the control and distribution of land; and the people's obligations to him in regard to social and economic service are still in force. But in addition, the chief now enjoys an extra income from the tax on land, and from the extra lands which he holds himself. In this way the land tenure system actually bolsters up the traditional political system by giving it powerful economic support. Moreover, through the provisions relating to inheritance, the system is brought into close relation with one of the most

622 important features of Tongan society—viz., patrilineal descent. In
423 these ways, the system plays a highly useful role in the preservation of
421 the Tongan social form.

428 One may, of course, argue that after all the system is not really all
178 that different from a full-blown communalistic one. For units of land
423 (*tofia*) are still tied to groups of people (or the other way round if one
421 wishes) in such a way that the restrictive features of a communalistic
system still apply. But there is no need to press such an argument too
far, for the system provides only that one's *api tukuhau* and *api kolo*
must be together, not that they must be in the *tofia* of one's traditional
chief.

Indeed this point embodies the most important principle in Tongan
land tenure which may well be considered in relation to future land
development in other Pacific territories: the system contains the seeds
for the liberation of land resources from the social groups in which,
in systems such as the Fijian and the Samoan, they are often locked up.
Within the Tongan context this principle is hampered only by the
operation of certain limiting conditions—both social and legal—which,
however, are particular and need not be an absolute barrier. At a higher
level of economic development, when economic relations may be expected
to be less personal, the possibilities opened up by this feature of the
system may be capable of fuller realisation. At present, however, such
factors are probably more important in limiting the possibilities of the
system than, say, the claim that a system of taxing land rather than
individuals militates against the desire to acquire land, for which no
confirmation came my way. This claim, however, remains a potential
danger to the system, and may become a real problem if taxation were
raised to a much higher level. In any case, while the system has dis-
tinct possibilities, its implications should be clearly recognised before
claims are made for its propriety elsewhere.

REFERENCES

- 113 ALEXANDER, W. D., 1888. "Ancient System of Land Tenure in Polynesia."
The Friend, April:26-27; May:36-37; June:47-49.
- BEAGLEHOLE, E. & P., 1941. *Pangai: A Village in Tonga*. Wellington, Poly-
nesian Society, Memoir Vol. 18.
- COOK, J., 1784 a-e. *A Voyage to the Pacific Ocean . . . in the "Resolution"*
and "*Discovery*", 3 vols. London, Nicol & Cadell.
- GIFFORD, E. W., 1929. *Tongan Society*. Honolulu, Bishop Museum, Bulletin
No. 61.
- MEEK, C. K., 1949. *Land Law and Custom in the Colonies*, (2nd ed.). Oxford,
University Press.
- THOMPSON, Basil, 1894. *The Diversions of a Prime Minister*. Edinburgh,
Blackwood.

KINSHIP AND BEHAVIOUR IN A TONGAN VILLAGE

TABLE 3 — CHILDREN WHO STAY AND SUPPORT THEIR PARENTS
AND NUMBER OF HOUSEHOLDS

1st son	2 (12, 32)
1st daughter	2 (21, 22)
2nd son	2 (5, 9)
4th son	1 (20)
Step-son	1 (34)

12 and 32 are the only boys of the parents. In case of 5, 9, 21 and 22 the first son has his own household in this village, and in case of 20 three of his elder brothers live in the next village. The next table traces the present whereabouts of married sons of the eleven households including eight examples in table 3.

TABLE 4 — PRESENT WHEREABOUTS OF MARRIED SONS AND
NUMBER OF HOUSEHOLDS

Living in another village	Keeping an independent household in this village	Staying with his parents	Unknown
1st son 8	4	2	1
2nd son 4	1	2	1

Judging from table 3 and 4, it may be generalised that the grown-up children successively start to form their own households and a son, or sometimes a daughter, depending upon the circumstances, may be selected among younger siblings to remain at home, forming a patrilocal, or matrilocal in a few instances, extended family (according to G. P. Murdock's definition). It may be the youngest child, but not always. On the other hand, the old parents, especially widow or widower, move around at will. For example, a women over seventy years of age usually resides at 34 with the son of her husband with his previous wife, but stays also at 1 with the son of her husband's brother, and also visits Nuku'alofa quite often.

Discontinuity of the Households

The Tongan law prescribes that *api tukuhau* and *api kolo* should be inherited by the eldest son of the later holder. In other words the household is to continue by means of the patriocal extended family backed with the inheritance of the land, strictly speaking, the inheritance of the usufruct of the land. But in reality one tends to set up one's own household and can do so very easily, as mentioned above. People do not seem to be intent on continuing the household. A household will terminate when an old couple have no son or daughter to stay with, or when the members of a family break up on the divorce of the parents, or when an old widow or widower shifts the residence to one of the children. The fact that there is no important property to be inherited and no family name among

MACHIKO AOYAGI

commoners⁽⁹⁾ that may serve for tracing the step of family seems to discourage villagers from striving to continue their households. The inheritance rule for movable property, such as agricultural tools or domestic animals, is not fixed. They do not, anyway, seem to be important items favouring the formation of an extended family. 592
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The Rule of Residence on Marriage

The 36 couples of the village may be classified into four groups according to place of birth. 591
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166

- | | | |
|---|----|-----|
| (a) Husband born in Nukuleka and wife born in another village | 22 | 166 |
| (b) Husband born in another village and wife born in Nukuleka | 6 | |
| (c) Both of them were born in Nukuleka | 6 | |
| (d) Both of them were born in another village | 2 | |

In the majority of marriages either wife or husband have come from the outside. If I may now use the terms, virilocal residence when a wife comes from another village, and uxorilocal residence when a husband comes from other village, the following argument will be in order.

Since the village population is not large, few marriages are locally endogamous. The majority are virilocal; there are only six examples of uxorilocal residence, including three cases in which the husbands had lived in Nukuleka before they married. One of the three cases (21) had succeeded in acquiring *api tukuhau* and had settled in Nukuleka in his youth. The other five husbands, except one who was from Nuku'alofa, came from remote islands; two from Ha'apai, and one each from Niuaatoputapu and Vaca'u. They have *api tukuhau* neither in their home villages nor in Nukuleka. It may be guessed that it is not economically serious for them to leave behind their native place and move to their wife's village. Above all, they seem to prefer to come to Tongatapu rather than to stay in small outer islands. [582]

Two men (classified as group d) from Vava'u had been here before they married women from another village. One, whose mother was born in this village, came here in 1943 to stay with his mother's brother and a few years later he could receive *api tukuhau* from his mother's father. The other, whose father was native to this village, came here with his parents in his childhood. Being still young and having not received *api tukuhau* yet, he cultivates his step-mother's land. Those two marriages may well be classified as virilocal. Although virilocal residence is most common, uxorilocal residence is also permissible. Whether the husband has or is likely to acquire *api tukuhau* or not seems to be important in determining the residence for a couple. In spite of the land system prescribed by the law, a large number of men have, nowadays, difficulty in getting *api tukuhau*. A man who acquired it in some way or other would not agree to leave his village upon marriage.⁽¹⁰⁾ 591
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9. At least Laka has a family name. There has been a growing habit that children going to school use a joint name of their personal and father's name. The father's name in this case is used as if it were the family name. See Koch 1955: 91.

10. Aoyagi 1964: 124-126.

KINSHIP AND BEHAVIOUR IN A TONGAN VILLAGE

554 differentiated from every other brother does not exist in fact in the village.
621 But such rank is limited to the relative rank, strictly speaking, between
two persons concerned, and is not the absolute rank of the triangle of
hierarchy.

In my opinion, it looks both theoretically and practically impossible
to integrate all the people of the community into the ramified structure
for the following reasons:

554 (a) Generally, the union of a man and woman is not stable. It is
not unusual for a man to have children by several women and for a
621 woman to have children by several men. Consequently, an individual
586 may have a number of half siblings who share the same mother and at
587 the same time who share the same father. It must be difficult to integrate
593 all the siblings of the community as a whole in one alignment from the
highest to the lowest in accordance with the order of their birth.

554 (b) An individual often has a double relationship to another in-
621 dividual. For example, if 28 traces through his mother, the mother of
602 24 and 16 is his sister, but if 28 traces through his father, she is his father's
sister's son's daughter (see Fig. 3). In this case he may probably behave
towards her according to the direct relationship as brother and sister. But
what is the criterion to integrate all the villagers in one hierarchy for they
may have a double or triple relationship with one another?

554 (c) The sister is superior to the brother and her children to his
621 children. Consequently, a man (A) who marries a woman rises auto-
593 matically into a higher position than her brother (B). On the other
607 hand A can not hold up his head before a man (C) who marries A's
sister. Then in the relationship among these three men, C, is in the
highest rank while B is in the lowest. But it may well be that B is the
elder brother of C, or B's mother is C's father's sister. For these reasons
it is difficult to stratify all the descendants of one person into a single
ramified system.

554 Anyway, there are three principles in regard to ranking; the elder
593 brother is higher than the younger brother; the sister is higher than the
brother; and the husband is higher than the wife. These principles
may sometimes offset each other. So each individual has a double rank;
this one is higher than that, but this may be lower than that. Even if
a person is the direct descendant in the senior line of a common ancestor,
his rank is not always paramount. At the same time a descendant from
622 a remote collateral is not necessarily the lowest. Leka occupies, in fact,
621 the supreme position in the community. This seems to be so because he is
554 eiki (chief) and *matapule* of the Queen, not because he belongs to the
428 senior line of the kinship; he is the second son of his father Tevita Leka,
848 whose first son may be an illegitimate son, and this first son's daughter's
sons are 16 and 24.

554 As described in the latter half of this paper, the relative rank of
593 individuals is quite important in Tongan family. The behaviours of kin
602 are precisely defined, and expressed overtly on the ceremonial occasions.
585 In *kava* drinking at weddings, the first and the second cups were taken by
276 particular persons, but no one remembers who got the subsequent cups.
374

was completed.

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The steps leading up to the proclamation of the Act of 1882 have been set out here in some detail because this is the Act whose basic provisions have remained in force to this day. The Land Act of 1927 brought up to date the Act of 1882 and subsequent legislation (Kayacakalou 1959). There have since been minor amendments, but none of these have affected the main features of the Act of 1882 (Wylie 1967). These laws provide that every Tongan male aged sixteen and over is entitled to a residential allotment ('api kolo) of two-fifths of an acre and an agricultural allotment ('api 'uta) of eight and a quarter acres. Once an allotment has been granted, the tofia owner may not dispossess an allotment holder under any circumstances. Allotments are vested in the individual allotment holder and are heritable in the male line. Any other form of disposal of an allotment is forbidden.

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This, then, is the historical background to the Tongan system of land tenure. My purpose has been to indicate how those provisions of the system of land tenure that affect access to land by ordinary Tongans living in villages came to be the way they are. It must be noted, however, that the system of land tenure--while certainly it has local manifestations--is essentially a societal or national-level system, and is bound up with the new system

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621 Seventy-eight of the households in Motulahi in 1970 (54%)
622 had a male and/or female head who had first come to
166 Motulahi in Sione Fatu's time. There were only ten house-
591 holds in 1970 in which neither the male nor the female
592 head of the household had lived in Motulahi in the period
that Sione Fatu was the noble (and of these households,
four were established by church ministers or teachers,
appointed to work in Motulahi by outside agencies).

622 Sione Fatu is generally regarded as having been not
only a far-seeing progressive but also benevolent in his
659 policies. A number of people told me of his benevolence
423 with specific reference to the following circumstances:
Motulahi was surveyed in 1961 (part of the first official
Cadastral Survey ever undertaken in Tonga) and allotment
boundaries were defined. Until the survey, not many people
in Tonga had registered their residential and agricultural
622 allotments. Sione Fatu, however, encouraged people to
659 register their allotments as soon as they had been surveyed.
423 This was perceived by the people who told me of it as a
[565] generous concern for their security, for once an allotment
[425] is registered it is beyond the power of the noble to
[428] withdraw it from the allotment-holder or withhold it from
[425] his rightful heirs. His encouraging registration is
regarded as doubly generous because, when he had allotted
land in earlier years, he had in many cases given men
considerably more than the statutory agricultural allotment

REPORT ON THE RESULTS OF THE 1966 CENSUS

162 Of the 20,766 Tongan males over fifteen, 17,686 or 85.17% were listed
462 as being employed in some "industry". 13,219 or 74.74% of these were recorded as being self-employed in "agricultural production for household consumption and export". This represents a rise over ten years of 3,483 persons or 35.77% in this category, but unfortunately the category includes all those without regular or specific occupation, that is, no attempt was made in the 1966 census to differentiate self-employed from unemployed, nor those with title to land from those who have no title but are growing subsistence crops on someone else's land; it is difficult therefore to quantify pressures on land and the 'api system.

421 The Tonga land tenure system is unique in Polynesia and is the result
423 of laws enacted over a hundred years ago by the founder of modern Tonga,
671 King George Tupou I. Every male Tongan is entitled, on reaching the age of sixteen years, to receive a grant of eight and a quarter acres as an 'api tukuhau 'tax allotment', and a grant of up to one rood twenty-four perches in a village or town as an 'api kolo 'town allotment'. No one may legally hold more than one tax and one village allotment, but if a person forgoes the latter he may obtain under the law, a bush lot of up to twelve and three-eighths acres, that is, one and a half times the usual size of an 'api tukuhau. The annual tax on tax and village allotments together is eighty *seniti* (NZ80c); tenure is for life and is usually reallocated to the eldest son.⁽⁹⁾ These laws have created a nation of small but secure tenant farmers alongside a landed aristocracy. The head of every family or household in Tonga, irrespective of his rank or wealth, has thus until very recently been assured of the means of production both of basic necessities such as food and housing, and of cash crops both for purchasing clothing, tools, household goods, and for education. With shortage of land, and the strain traditional housing puts on coconut trees, housing is passing from subsistence to the monetary economy.

162 According to the Report of the Lands and Survey Department for 1966
423 (p. 2), the total number of tax allotment holders in December of that year was 12,517. The 1966 census records that only 8,305 or 41.57% of all Tongan males over sixteen said that they were holding tax allotments, whilst 11,553 or 57.84% reported that they held no land (p. 96). Some 116 men over sixteen did not state their position regarding land but even if they all had held tax allotments, 4,096 of the allotment-holders recorded in the Report of the Lands and Survey Department would remain unaccounted for. However, some of the Lands and Survey allotment-holders would undoubtedly be widows holding their husband's allotments as a life interest,⁽¹⁰⁾ or the sole surviving daughters of the deceased land holder.⁽¹¹⁾ The number of widows recorded in the 1966 census was 1,552 but it is not stated how many of them were holding the lands of their

301 males), in services 539 (compared with 737 males), professional, technical and related workers 321 (compared with 412 males).

9. TONGA, 1948:405-459. "The Land Act". Annual poll tax, \$T3.20, is paid by all adult Tongan males, whether landholders or not.

10. TONGA 1948:427-8.

11. TONGA 1948:428.

CORRESPONDENCE

Sir,

In a recent issue of your journal (vol. 82, No. 2, June 1973), I was interested to read an article by Tupou L. Pulu under the heading: "Some Remarks on Alternative Meanings for Tongan Place Names".

Although I heartily agree with her in her opinion of Gifford's *Tongan Place Names*, Gifford's mistakes serve rather as a warning to me, as it is so easy to fall into the same trap.

I have spent almost 20 years of my life doing research into this subject and still feel I cannot be so arrogant as to make decisive statements. Of course, I can quote information given, but the giver of that information must also be quoted as there are many versions of each place name: the name 'Auhangamea is an example. In another account, which I learned from Mafile'o Funaki of 'Uiha, the young daughter of a Tu'itonga died on a return voyage from 'Uvea. As the vessel passed this strait, the mats and tapa which had been wrapped round the putrifying body were renewed and the soiled articles thrown overboard so that they would be destroyed. Thus the strait was called: "Place ('anga) where the [mats and tapa] things (me'a) were destroyed ('auha)". But, as I have mentioned above, I feel I must steer off this subject lest I too should fall into the same category as Mr Gifford and others.

The only thing I should like to correct is that Houma-fale-ono was not the daughter of the Chief of Houma. Her father was Ma'afu-tukui-'aulahi, Chief of Vaini, and there is no dispute about this. In the 18 books of genealogy kept in the Palace Office, Nuku'alofa, she is cited as such.

Included in the list of references, is a work by my father, Fe'iloakitau Kaho. The title is given as *Ko e Kiani 'o e Tu'i 'e he Kau Ha'apai*, which, being in italics, I understand to be the name of a book; being Kaho's one and only child and having no knowledge that he ever wrote a book, I naturally should like to have information on where I could obtain a copy. The title given to this book is the title of a song of his which he composed for a *lakalaka* dance; I found it amongst his papers when he died at the good old age of 89 years.

In my father's papers, which as his only child I became heir to, there is a different story cited there about the birth of Taufua'ahau (Tupouto'a's son). I might mention here that Tupouto'a and Kahomovailahi were first cousins, their mothers being sisters. Kahomovailahi was my father's great-grandfather.

I pen this letter only because Kaho Fe'iloakitau is my father and I hate to think that one such as he, who spent most of his life researching and teaching our history, should be thought to have made such a mistake as that concerning Houma-fale-ono's parentage, which every school child is familiar with.

I am sincerely,

TUPOU POSESI FANUA
Tonga Traditions Committee,
Palace Records Office,
Nuku'alofa, Kingdom of Tonga

by the Royal Family in the absence of direct heirs (Maude, 1965, p. 56).
The power of the nobles within the surviving traditional class structure
was limited in that they no longer have legally recognized rights to the
services or goods of their people, nor any judicial functions outside the
state legal system, nor any control over the amount of rent and tenure of
land, legally registered by commoners who live on their *tofi'a*. Essentially,
nobles within the traditional structure have been reduced to landlords
with very limited powers even in this status. However, what makes the
role of the noble important in the traditional class system is the fact of
their considerable moral and cultural status on the village level, backed
by the very real power that they hold in the parallel political structure
of modern government. The Town Officer of a village, often a com-
moner, still shows considerable respect to his noble, and at least in 'Uiha
accedes to his wishes. In sum, the traditional class structure of Tonga
survives, but in an attenuated form with sharply defined boundaries
between the Royal Family and the small number of noble titles on one
hand, and the rest of the population including commoners, nominal
chiefs, and *matāpules* on the other.

4. Tupou I instituted a unique individualistic system of land tenure
(see Nayacakalou, 1959, pp. 93-114; Maude, 1965, pp. 97-103). Every
Tongan male over sixteen years of age was to receive on application two
pieces of land: a tax allotment (*'api tukuhau*) of $8\frac{1}{4}$ acres and a town
allotment (*'api kolo*) on which to build a house. For his tax allotment
an individual was to pay an annual rent of eight shillings to his noble if
the land was on an hereditary estate, or to the Government, if the land
was on a government estate. Also, by law, the use of land was to be
inherited by the eldest son of the previous deceased holder. This system
of land tenure exists to the present day, and is an important factor in
stimulating the dispersion of Tongan kin groups from their native vill-
ages and islands. The complexities of the operation of this system in the
face of increasing population need not be considered here. Formerly,
nobles had the power to distribute unused land on their *tofi'a*, but since
there is so little land left undistributed in Tonga, this surviving noble
prerogative has lost much of its effect.

What has happened to patterns of rank in the kinship system, the class
system, and the descent system in the face of these changes can best be
approached by asking what has happened to the *ha'a* in modern Tonga.
As Aoyagi has shown, the concept of *ha'a* as a group in any of its
previous uses has virtually no meaning for commoners on the village

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THE FUNCTIONS OF FINAU

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into all the produce of the earth, saw that every man cultivated and planted his quota; ordered what should be eat and what should not. By this wise regulation, they effectually guard against a famine, in seeing that a sufficient quan[tity] of ground is planted, ordering such articles for food as are in the greatest plenty, and prohibiting such as are scarce or not arrived at their full growth. This is not the only wise regulation in their Government they have an officer over the Police,¹ or some thing like it. Feenough had this office,² whose business, we were told was to punish all offenders, whether against the state or individuals; he was also the generalissimo and commands the Warriors when ever they are called out upon service; but by all accounts this is very seldom. The King frequently took some pains to inform us of Feenoughs office, and among other things told us, that if he himself was a bad man, Feenough would kill him; what I understood from bad man, was if he did not govern according to law or custom, Feenough would be ordered by the other great men, or the people at large to put him to death: does not this prove that he is not despotic?

Considering the number of islands that compose this little state, and the distance some of them are from the Capital; one would think some of them would be for throwing of the yoke but they tell us this never happens; for if there is a troublesome man in any of the island[s], Feenough, or whoever hold that office, goes and kills him. By this means they crush a rebellion in its very infancy, for things cannot be carried on so privately but what they must know it before it gets to any head.

One reason, may be, why they are not disturbed by domestick quarrels, there being so few popular chiefs and these few all live at Tongatabu.³ The orders, or Classes amongst the chiefs, or those who call themselves such, seemed to be almost as numerous as they are with us, but there are few that are Lords of large territories, the rest hold their lands under them.⁴ I was indeed told that when a man of

¹ 'Police' in the sense of public order.

² Delegated, it seems, by the Tu'i Kanokupolu, in whose realm civil administration would lie.

³ I do not know what Cook means by this—'popular' chiefs in the sense of chiefs chosen by or appointed from the people there were none. He seems to have got the remark from Anderson. In case of equal claims, when succession to a chiefship was in question, popular preference may have made a difference. Possibly he refers to *matapule*, appointed officials or chiefs' attendants who were not chiefly in rank or family, though they might have titles conferred upon them by the chiefs: the ones he met would almost certainly be at Tongatabu, waiting on the king or the Tu'i Kanokupolu.

⁴ The chiefs collectively were called *Asa 'siki*. There was a good deal of gradation among them, but 'siki as a description applied to them all, with some suffix to denote rank. There was however a comparatively small number of *Asa*'s, chiefly lineages; the heads of these would correspond to Cook's 'Lords of large territories'. For example, the Tu'i Lakepa was the head of the *Ha'a Fale Fisi*, the 'lineage of the house of Fisi', descended from the chief Tu'i Lakepa of Vavai, Fiji, who married the Tu'i Tonga *Jeve* Sinaitakala II about the

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428 property dies, every thing he leaves behind him fall to the King, but that it is usual to give it to the deceased[s] eldest son, who is obliged to provide or take care of all the other children out of it. It is not the custom here, as at Otaheite, for the Son the Moment he is born, to take from the Father the homage and title.

643 One circumstance shews that the government is upon a pretty solid basis, as the family of the Fattasees in a direct line, have reigned for one hundred and thirty five years past; for on enquiring if any memory of Tasmans ships had been preserved among them, they informed us that their ancestors had told them that two ships, ("Towacka no papalangie")¹ like ours had once been at the island, and named the place² but that they stayed but a few days. And by way of informing us how long it was sence, told us the Name of the Fattasee that was then King, and of those that succeeded down to the present, which is the fifth sence that period, the first being an old man at the time. For what reason I know not, but they call our Ships *Towacka no papalangie* and us *Tangata no papalangie*; that is cloth ships and cloth men.³

644 From what has been said of the present King, it will appear that he had the highest rank of any person in the islands, but it is not so; for *Latouleboula*, the person that was pointed out to us for King when I was here last Voyage, as also two or three women rank above him.⁴ On our enquiring who these extraordinary personages were, whom they distinguish by the name, or title of ⁵ they told us, that the late King had a sister of equal rank and elder than himself; she had by a Fidgee man a son and two Daughters, these three as also the Mother rank above Fattasee the King, but why, we never could get any other reason than this of their pedigree.⁶ The Mother

time of Tasman. They held their lands by hereditary right, subject to the king, and from them the members of the particular chiefly lineage and their tenants derived their titles.

¹ *K'a saka no papa tangi*, 'ships burst from the sky'—that is, ships foreign to the point of wonderment. A *papalangie* is now any white-skinned foreigner.

² 'named the place': i.e. the Tongans told Cook where Tasman's ships had been anchored, not (as might be thought on a hasty reading) that he had given the place a name.

³ Foreign ships and foreign men, rather. But the Tongans also transferred the word *papalangie* to the things the foreigners brought—manufactures such as cloth or linen: hence the translations given by Cook.

⁴ Latunipulu, his mother and sisters.

⁵ The *Tu'i Tonga fefine* and the *Tamaka*.

⁶ The 'late King', Paulaho's father, was Tu'i Pulotu II; his eldest sister, Sinaitakala III, was *Tu'i Tonga fefine*; she married the Fijian chief Tu'i Lakpa Fehokomoclangi of Nukulu; their elder daughter was Moungalakepa, and their son was Latunipulu. I do not know who the other daughter was. Possibly she was not Sinaitakala's daughter at all, but the daughter of Nanaisipa'u, Ma'ulupekotofa's sister, and Latunipulu, who succeeded Moungalakepa officially as *Tamaka*. Loosely applied, the term *Tamaka* meant any of the offspring of the *Tu'i Tonga fefine*; but it was normally the daughter who was the personage appointed in form. Latunipulu was the only male *Tamaka* ever actually appointed. The reason for rank superior to the king's was simply the custom of *fahu*, which gave pre-eminence in the family to the female. Not merely was the sister *fahu*—superior in rank—to her brother, but so were her children, both male and female; and her children also were

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groups bring gifts of mats, tapa, and food, and present them first to the head of one of the three groups, depending on how they are related to the deceased. The gifts are recorded and taken to the house where the dead man lies on a pile of mats and tapa. At his head are one or more persons who are *fahu* ("above the law") to him, i.e., his father's sister, his sister's children, or others of the same kinship categories. The family group bearing the gift presents it to the *fahu*, and each kisses the dead man. After this, the way in which one is related to the deceased determines his course of action. Those whose status is higher than the dead man, i.e., related through the dead man's father, can either stay in the house near the corpse or join the kava ring outside.⁹ Those whose status is lower than the dead man, i.e., who are related through the latter's mother, go immediately outside. Here the males prepare the earth oven, the food from which will be distributed after the burial. The females prepare tea and bread, which is eaten before the actual burial, and plait coconut-leaf baskets. The baskets are filled with food from the oven, and one is given to each person who attends. Those who have come to the funeral because they are kinsmen of the dead man's wife, and who are not related to the deceased, may follow either course of action. The deceased's children help with the cooking and do not enter the house until it is almost time for the burial. At this time they kiss the corpse and immediately leave the house. Nonkinsmen who attend can stay in the house, join the kava circles, or help with the cooking and basket plaiting, their choice usually depending on what their friends are doing.

Among the *kāinga* everyone knows his position with regard to everyone else present. The kin term itself reflects the appropriate roles required by the principles of status. These principles predetermine each person's course of action in any family social activity, regardless of other statuses he may hold in the society. Even the highest noble in the land must prepare the earth oven at the funeral of his father's sister, while a commoner of no material wealth may sit and drink kava if he is a descendant of the deceased woman.

Inheritance among the *kāinga* uses some of the same principles, but with quite different results. First, although women have higher status than men in most social relationships, they do not inherit. Second, inheritance is reckoned patrilineally; material wealth, mainly in the form of land, passes from father to son. Third, by the rule of primogeniture, the eldest son inherits. Thus in inheritance the relative age of siblings is of considerable importance in contrast to the small importance it assumes in other social relationships.¹⁰ The eldest son inherits, becomes the head of the family, and is expected to look after his brothers. His sisters are presumably supported by their husbands, although a man looks after his sisters until they are married and gives first fruits and other gifts to them throughout his lifetime.

A man can inherit matrilineally only if his mother has no brothers. In this case he is said not to inherit from his mother, but from his mother's father, so that the patrilineal emphasis is maintained by skipping his

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RANK IN TONGA 179

mother's generation. This activates a status principle already operative within the *kāinga*, in which ego may take what belongs to his mother's brother.

The economic implications of status within the system of exchanges among the *kāinga* can be characterized as indirect reciprocity, i.e., goods and services go from ego and his siblings to his patrilineal relatives, while he exacts goods and services from his matrilineal relatives.

SOCIETAL RANKING—CLASS

At the level of the society as a whole, there are two kinds of ranking. The first kind of societal ranking is class rank, which differentiates chiefs ('*eiki*') from commoners (*tu'a*). This is further refined in two ways. First, the most chiefly of chiefs is set apart and is known as the *tu'i* (or today, the King). Second, an intermediate class between chiefs and commoners is *matāpule*, who are ceremonial attendants to the chiefs. Thus the traditional class structure can be summarized as follows:

Tu'i: King;

'*Eiki*': Chiefs;

Matāpule: Ceremonial attendants;

Tu'a: Commoners.

Membership in one of the three classes ('*eiki*', *matāpule*, and *tu'a*) is ascribed by birth. A *matāpule* may be recruited from the *tu'a*, but the person selected usually has some genealogical tie to a *matāpule*. Marriage between an '*eiki*' and a *tu'a* does not change the class of either, and their children are known as *ngesi taha* (one-shelled). Since European contact in the time of Tupou I (1875), the chiefly division of the society has been further divided to distinguish legal chiefs (nobles) from traditional chiefs. The nobles are the land holders and because of this have a great deal of power.¹¹ The other chiefs have only ceremonial significance and prestige because of their high birth, having descended from younger sons of former chiefs, nobles, and kings, or their daughters. The position of the traditional chiefs parallels the position of women in the *kāinga*, in that they have ceremonial status but no real power. What is important in the class system is the "blood" of both father and mother. It is possible, for example, to be a chief in the class system by virtue of genealogical chiefly connections, and to hold a *matāpule* title. The best known example of this is Tuita, who holds a *matāpule* title, but is a chief in the class system because of a series of marriages of the holders of the Tuita title to daughters of high chiefs. Such people are known as *mu'a 'eiki* (or simply *mu'a*) to show that they are *matāpule* by title but chiefs in the class system.

SOCIETAL RANKING—*Ha'a*

In the second kind of societal ranking, titles are ranked. The titles of chiefs originated by a process of collateral segmentation starting from the first *Tu'i* Tonga. The *matāpule* titles originated either when the individual

597 depending on the rank of the namer). An adoption had to involve changes in
553 rank and changes in residence. *Ohi* transactions, or adoptions in aboriginal
557 Tonga, were transactions between high-ranking individuals. Adoptions and
[669] arranged marriages between high ranking individuals played an important part
[581] in maintaining the overall stability of the island group.

Titles

597 What is important to stress for aboriginal Tonga, as opposed to
554 post-1875 Tonga, is the very important fact that *ohi* transactions which
428 involved titles lasted only for one generation. In aboriginal Tonga, when an
[178] adoption took place which involved the adoptee receiving a *hugoa*, or "title,"
from the adopting parent, that adopted-titled-individual could not transmit
that title to his own biological (or adopted) child. The title which the
adopted child eventually received would have to revert back to someone in
the original line of descent in the *ha'a*.

554 In aboriginal Tonga, titles were given to important individuals (male
613 and female) of the corporate land holding descent group, or *ha'a*. The title
was given as a specific form of recognition for the individual. When the
individual Ngata received his title of *Tu'i Kanokupolu*, he gave his son Leilua
the title *Ve'ehala*. Leilua was thus the first *Ve'ehala*, and *Ve'ehala* is roughly
[423] translated as the "wrong footed man." With the title *Ve'ehala* there is
[425] associated a specific area of land. It is the title of a man which was
transmitted to another individual after a title-holder died (or when a
title-holder was unable to perform the duties associated with the title).

554 When a man could no longer hold a title, the title would not necessarily
428 go to the oldest natural (or adopted) son of the man; the title could be given
to a brother of the deceased (or incapacitated) title-holder, the title could be
given to a child of the sister of the deceased title-holder, or the title could be
[613] given to an adopted son of the deceased title-holder. In aboriginal Tonga,
succession to titles depended on several factors, and the decision to pass the
title on was a joint decision of the *ha'a*. A prospective title-holder had to be
of proper age, had to have the ability to handle the affairs associated with the
title, had to have the support of the people to aid him, and had to have the
proper rank to accompany the title.

571 The Wesleyan missionary John Thomas wrote in his journal on one
565 occasion that "there is a union amongst the Tonga people, especially the
554 chiefs, so that they consult each other before they determine anything"
(J. Thomas *Journal* entry of February 11, 1826). The titled individual known
as the *Tu'i Kanokupolu* had to be supported by the various *ha'a* of Tonga to
[649] receive the title. Thomas recorded how one individual had given up, the
"lotou" or Wesleyan religion.

This evening Hohela came today to say that Tooboo had yielded to give up lotoo and to be made the Toocanacabola. In a few days time all the old people are to meet at this part [Hihifo on Tongatapu Island] to make him. This is a serious event (*Journal* entry of December 1, 1827). 571
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As a result of some battles on Tongatapu Island in 1840, the *Tu'i Kanokupolu* Jiosaia Tupou (the "Tooboo" that Thomas mentions above) and King George Tupou (who was made *Tu'i Kanokupolu* in 1845) had a meeting and removed the title of *Ata* from one individual. As Thomas recorded it:

After this the two Kings met with their chiefs and did depose *Ata* and another chief called [by the title] *Vahai* (the latter has been the cause of the wars) and appointed a new *Ata* and *Vahai* in their place (J. Thomas *Journal* entry of February 14, 1840).

The titled individual *Ata* had land on Tongatapu Island and this was also removed from him and transferred to the new *Ata*. As Rabone reported it: [423]
[425]

This morning the Kings Josiah & George returned from Hihifo [on Tongatapu] with all their people and the trophies of their victory. We were at the sea side when K. G. arrived and were truly grateful to God who had graciously preserved his servant and all his people so that not one has fallen in the war, or even wounded. We gave God the glory and we pray we may ever be thankful unto him. *Ata*, that was, with many of the rebellious ones are brought here intending to send them to Haabai. They appear truly humbled for their sin & rebellion. We hear the Heathen [or non-Wesleyan Tongans] are all dumbfounded and astonished - may they hear & fear & turn to God (S. Rabone *Journal* entry of February 28, 1840).

Consensus and flexibility were extremely important aspects of aboriginal Tongan life. Cross wrote how the 571
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Monarch is only a superior Chief, and is absolute no longer than he is supported by others, many of whom have nearly as much power as himself, and in some instances more (In Hunt 1846:30).

One non-missionary of 1850 wrote:

The government of the islands is despotic, and not hereditary in the royal family. The eldest son of the king does not necessarily succeed his father, but another may be chosen from the sons of a former king, or a younger son may be elected before an elder IF HE BE THOUGHT TO HAVE MORE CAPACITY FOR GOVERNMENT [stress added] (Brierly 1852:98). [428]

The titled individual known as the *Tu'i Kanokupolu* needed the support of the various chiefs to maintain the title of *Tu'i Kanokupolu*, and Cross reported the following for Jiosaia Tupou (installed as *Tu'i Kanokupolu* in 1827 as reported by the Thomas *Journal* entry for December 1, 1827):

A report is in circulation that the chiefs who are opposed to Christianity are determined to depose our chief [Jiosaia] Tubou and TO CHOOSE ONE FROM AMONG THEMSELVES IN HIS PLACE. It

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is probable that should this take place a war would be the immediate consequence [Stress added] (W. Cross Letter of July 1, 1830).

The *Tu'i Kanokupolu* was not deposed and a war did not take place at that time. The examples indicate, however, the flexible aspect of the Tongan concept of "chieftanship" in the nineteenth century, and also the aspect of consensus needed for leadership.

The Constitution

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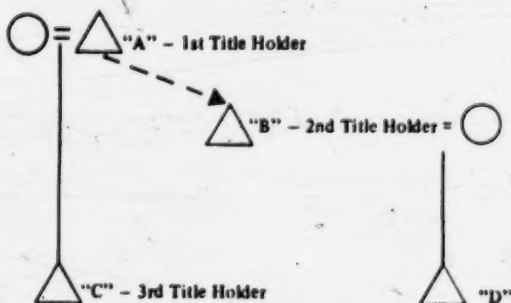
The Tongan Constitution of 1875 was promulgated by King George Tupou I with the aid of European advice. What the Constitution did was to remove the inherent flexibility concerning the inheritance of titles. Where before the Constitution an individual received a title because of the consensus of the people, after 1875 a person received a title because of the law.^{10,11}

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In pre-1875 Tonga, if an adopted son of a titled individual succeeded to the title of his adopting parent, the new titled individual would not transmit that title to his own son. The new titled son was, in essence, only "holding" the title until a proper heir to the title came of age (see Figure 1).

FIGURE 1

ADOPTION TRANSACTION



SEQUENCE OF EVENTS

Title Holder "A" adopts individual "B"

Title Holder "A" dies - individual "B" selected as new Title Holder in lieu of "C"

Title Holder "B" dies - individual "C" selected as new Title Holder - Title has "reverted" to original descendants.

AFTER the Constitution of 1875, when Title Holder "B" died, the title did not go to individual "C" but went because of the law) to individual "D."

Although the title would revert to someone in the original line of descent in the *ha'a*, the rank of the adopted son was his own because of the adoption. In pre-1875 Tonga the adopted son would not lose his rank yet his children would not be eligible for the title. 642
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With the Constitution of 1875 strict rules of primogeniture were introduced *in lieu* of the consensus aspect. The King of Tonga was quite explicit about this in a speech he made to the Tongan Parliament in 1875:

... the estate shall go with the title, and the succession shall be from the father to the son for ever. The Law of Succession is stated in the Constitution, and such succession shall be by blood relationship only: from to-day NO ADOPTED CHILDREN SHALL SUCCEED TO THE ESTATE OR TITLE OR TO ANYTHING; only the children of blood relations and by marriage [stress added] (in Hunter 1963:2).

At the time of the promulgation of the Constitution in 1875 there were a few title holders who were in fact adopted sons; with the Constitution in effect these adopted title holder sons PASSED THE TITLES ON TO THEIR OWN BIOLOGICAL SONS when they eventually died or were unable to perform the duties associated with the title. With the Constitution of 1875, the concept of reverting a title to the original line of descent was no longer valid, and adopted sons could no longer be considered potential title holders at all.

Because titles could not revert with the Constitution in effect, when the adopted title holder sons died and when the titles were passed on to their own biological sons, several court cases developed. The original descendants (or potential recipients of a title) claimed the title because of custom, but the law of the Constitution stated otherwise. Tongans eventually came to realize the inequities of the 1875 Constitution, and eventually the Constitution was amended in 1953. Tongans realized that: [69]

According to chiefly Tongan customs, when a chief adopted a child to his family, the adopted child was given the title of that family - a mark of recognition equivalent to the modern registration of adoption. It was also a sign of the acceptance of the adoption by the family. THE ADOPTED PERSON HELD THE TITLE UNTIL HIS DEMISE WHEN THE TITLE REVERTED TO THOSE ENTITLED TO IT BY BLOOD RELATIONSHIP [stress added] (Hammett 1961 in Hunter 1963:179).

Tongans realized that:

... the Law of Succession contained in the Constitution was contrary to, but nevertheless must take precedence over the chiefly Tongan custom relating to adopted sons who had been appointed to hold a chiefly title and the rights of their descendants to inherit their titles (*ibid.*, p. 180).

As a result of the court cases and the fact that the law of the land did go against the custom of the land, in 1953 the Constitution was amended "to ensure that the law of succession to the titles of nobles should take

642 cognisance of the old and well-known chiefly custom concerning adopted
597 children" (*ibid.*). The Constitutional Amendment, Act No. 15 of 1953,
428 added the following paragraph to Section 107 of the Constitution:
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Whereas by Tongan Custom PROVISION HAS ALWAYS BEEN MADE
THAN AN ADOPTED CHILD MIGHT SUCCEED TO THE ESTATES
AND TITLES OF HIS ADOPTIVE FATHER now therefore it is
decreed that upon the death of the holder of an estate or title who has
inherited such estate or title by virtue of his blood descent from such
adopted child the estate and title SHALL REVERT TO THE
DESCENDANT BY BLOOD OF THE ORIGINAL HOLDER OF THE
ESTATE AND TITLE IN ACCORDANCE WITH THE PROVISIONS
OF THIS CLAUSE . . . [stress added] (Wylie 1967:1:36).

Thus, in the twentieth century, Tongans realized the efficacy of adoption
transactions in aboriginal Tonga and have incorporated what was once custom
into the laws of the Kingdom for matters concerning high ranking individuals.

Conclusions

121 The major purpose of this brief paper has been to present descriptive
597 and interpretive data on aboriginal adoption transactions in Tonga. Although
numerous activities involved transactions between kin (*tauhi*, *ngaahi*,
fakahingoa, *pusiaki*, and *ohi*), the data and interpretation show that there was
only one concept in aboriginal Tonga which should be given the gloss
"adoption," and that was an *ohi* transaction, a transaction involving
permanent change in the rank and residence of the adopted individual. *Ohi*
transactions took place between high ranking individuals for political
purposes.

121 The second purpose of this paper has been to point out that aboriginal
597 Tonga is certainly not twentieth century Tonga. Scarr (1967:4) has written of
428 a "rigidity" in Tongan social structure, springing "in part, from primogeni-
178 ture," yet it was only with the Constitution of 1875 that strict rules of
642 primogeniture were introduced into Tonga. King George was most emphatic
in his 1875 statement to Parliament concerning the strict succession "from
father to son for ever" and the new emphasis that "no adopted children"
[114] could ever succeed to anything. This is why the Beagleholes were in error in
their 1941 work when they dealt with *ohi* transactions and stated that the
child so adopted "will also expect to inherit property, status and rank, if any,
from its adopted parents" (1941:70). It would have been true before the
constitution, but in the twentieth century it was simply against the law.

597 Although the Tongan Constitution was amended in 1953 for cases
642 relating to high ranking Tongans and *ohi* transactions, for the bulk of the
565 populace the situation remains the same: no adopted child can inherit from
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his (or her) adopted parents (although the child could certainly inherit from his own biological parents). As recently as 1961 the Chief Justice of Tonga stated:

no person who is an adopted child and has not been born in wedlock to the person from whom he claims to inherit, is now entitled to inherit under the law of succession in any event. (Hammet in Hunter 1963:182).

The Chief Justice also pointed out in the same context:

From the date the Constitution was granted in 1875 until the present time no adopted child has been entitled to inherit under the law of succession and no provision has been made whereby an adopted child may succeed in the future. (*ibid.*).

The 1953 Amendment to the Tongan Constitution changed the Constitution for the high ranking Tongans, but for the bulk of the populace in the twentieth century inheritance rules are guided not by custom but by law. For the Tongan farmer, inheritance of land (in a land-scarce archipelago) is extremely important; and as A. Maude's most recent work on land in Tonga states it, "only legitimate sons may inherit" land, and "these rules of inheritance do not necessarily follow Tongan custom exactly" (A. Maude 1971:113).

It is clear that twentieth century Tonga is not aboriginal Tonga. The "Europeanization" of Tonga removed much of the inherent consensus and flexibility from Tongan society, and researchers and Tongans alike must be made aware of this.

NOTES

1. Funding for the research partially presented in this paper was provided, in part, by an NDEA (Title IV) Fellowship and an NIH Traineeship (PHS Grant 5 T01 GM01382-05). Field work was conducted in Tonga from July to October of 1970 and from August to October of 1971. In the intervening months research was conducted in the major libraries of Fiji, New Zealand, and Australia, with most of the research being done in the Mitchell Library, Sydney, Australia. Assistance and information provided by individuals in Tonga, especially those connected with the *Komiti Takafakafonua 'o Tonga*, "Tongan Traditions Committee", is greatly appreciated. Space limitations obviously precludes the listing of all individuals from whom assistance was gratefully received, but see the completed dissertation (1972:v-x). An earlier version of this paper was discussed at a symposium on "Adoption and Fosterage in Oceania" at the First Annual Meeting of the Association for Social Anthropology in Oceania, March 29-April 1, 1972. Numerous people have commented on my Tongan work, none of whom, of course, are responsible for what I present.
2. C. Maxwell Churchward has defined *tauhi* as "to tend, look after, take care of" (C. M. Churchward 1959:463). One of the earliest definitions of the term was recorded by the Wesleyan missionary S. Rabone who defined *tauhi* as "a nurse; a

- "with parental affection" (1810:111), or Mariner, who reported that Finau Ulukalala was considered to be his own "father and protector" (1817:1 p.90 and p. 310). A later paper is planned. 557
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8. Adoptions and arranged marriages for political reasons had always existed in the indigenous system and with the arrival of the Wesleyan missionaries this did not change. The missionaries knew about the arranged marriages but they could not do anything to stop them (or would not do anything to stop them) for they were too much a part of Tongan life. One missionary, on a visit in 1850 (he had also been in the archipelago from 1822-1823) wrote that such "state unions" were made "merely to promote caste" and that this was a "thing which ought to be destroyed" (W. Lawry *Journal* entry of June 15, 1850), but it was not. 597
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9. Additional research might reveal further forms of aboriginal adoption transactions. Collocott refers to Tungimana'ia as being "fakatakatu" to a particular Tu'i Ha'ateiho (Collocott n.d. p. 258) or *fakatakaua* which is "like or pertaining to a constant companion" (Churchward 1959:102). The record suggests that this may have been a "more intense" form of *ohi* since a son of an adopted son succeeded to a title - that is, the title did not revert as in an *ohi* transaction (compare Gifford [1929:137]). Companionship, group membership, or group enlargement, are all subject to further research and debate in the context of adoption and the *ha'a*. 597
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10. Unfortunately, this important distinction of pre-1875 Tonga and post-1875 is often overlooked in the literature (see, for example, Kaeppler 1971). For specific statements on changes in rank and status acquisition procedures due to the Constitution of 1875 see Urbanowicz (1973/74). 642
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11. The Constitution also resulted in other problems concerning titles: prior to the Constitution no man could hold more than one title, since the title holder was responsible to (and for) a particular group of people; now, as a result of the Constitution, there are men holding two titles. Most notable of these is the Honorable *Kalanuvalu-Fotofili*. (The double title of *Ulukalala-Ata* is currently vacant). What the holding of double titles means is that a further gulf has been injected into the relationship between titled and non-titled individuals. A person with two titles has to divide his time (and obligations) between two different groups of people. This would not have been so prior to 1875.

REFERENCES

- Anonymous
 1887 *Tonga Government Gazette*, Vol. 2, no. 55 (August 24).
- Baker, Shirley Waldemar
 1897 *An English and Tongan vocabulary, also a Tongan and English vocabulary, with a list of idiomatic phrases, and Tongan grammar*. Auckland, New Zealand, Wilsons and Horton.
- Bays, Peter
 1831 *A narrative of the wreck of the Minerva, whaler of Port Jackson, New South Wales*. . . Cambridge, England, B. Bridges.
- Beaglehole, Ernest and Pearl
 1941 Pangai, village in Tonga. *Memoirs of the Polynesian Society*, Vol. 18. Wellington, New Zealand, The Polynesian Society.
- Beveridge, John
 1824 [MS.] *Letter* dated November. Sydney, Mitchell Library Microfilm FM/1417 reel 26; photocopy in A2831 (original in London).
- Brierly, C. W.
 1852 Sketch of the Friendly Islands and Tongatabu. *Journal of the Royal Geographical Society*, Vol. 22, pp. 97-118. London, The Royal Geographical Society.

Agee as 'chief' (Samwell, in Beaglehole 1967: 1045), and Eege as 'chief' in King's 1821 vocabulary (King 1821: 447). Mariner's 1817 edition has *E'gi* as 'a chief; a god' (II: n.p.) and with a cross-reference to 'chief' one finds in Mariner "(a noble). Egi; (chief of a district or island) toóí; (supreme chief or king) how" (ibid.). By the time of Mariner's 1827 edition, however, some revisions had been made and for *Egi* Mariner has "a chief; a god; the head man of a party" (1827: II, lvi). This final definition roughly approximates the range of variation on the concept of '*eiki*' in aboriginal Tongan culture. Not all 'chiefs' as reported by European observers were '*eiki*' to the Tongans and not all '*eiki*' to the Tongans were chiefs.

At one point in the past the *Tu'i Tonga* divided his lands between his kinsmen, his '*eiki*'. The various '*eiki*' established and belonged to their own named groups or '*eiki*' of *Ha'a*, a corporate descent group. Various '*eiki*' of the *Ha'a* were given titles to represent some specific aspect of the '*eiki*'. When the *Tu'i Kanokupolu* Ngata received his title, he gave his own son who was named Leilua the title of *Ve'ehala* which is roughly translated as 'the wrong-footed man.' With the title of *Ve'ehala* went some land on Tongatapu. It is the title of the '*eiki*' which passed on to another individual when the '*eiki*' was no longer able to perform his duties. The title would not necessarily go to the oldest natural son of the '*eiki*'. The title could be passed to a brother of the '*eiki*'; the title could go to a son of a sister's child, or the title could go to an adopted son of the '*eiki*'. In aboriginal Tonga, succession to titles (and chieftainship) depended on a variety of factors, including a joint decision of the corporate descent group on the ability of the prospective '*eiki*', as well as his age, number of wives, and the number of supporters the '*eiki*' could muster if he wanted to be a chief of the corporate descent group.³

It cannot be stressed enough that in aboriginal Tonga consensus and flexibility were key concepts. An '*eiki*' who wanted to be a chief of a group of people had to have the consent of the people; and a chief also needed the consent of his fellow chiefs. Even the *Tu'i Tonga* could not be appointed to the title without the consent and support of either the *Tu'i Ha'a Takalaua* or the *Tu'i Kanokupolu*. Thomas wrote in his *Journal* that "there is a union amongst the Tonga people, especially the chiefs, so that they consult each other before they determine anything" (February 11, 1826). A *Tu'i Kanokupolu* had to have the support of the various *Ha'a* of Tonga to become *Tu'i Kanokupolu*. Thomas recorded how one individual had given up the *lotoo* or Wesleyan religion:

³ See Urbanowicz (n.d. [1973]) for a description and analysis of aboriginal Tongan adoption patterns and the changes in adoption and inheritance procedures as a result of the Tongan Constitution of 1875.

CHANGES

With sustained European contact, culminating in the Tongan Constitution of 1875, aboriginal Tongan culture changed. The Constitution was promulgated by the *Tu'i Kanokupolu* King George Tupou with the aid of European advice. King George's refusal to install a *Tu'i Tonga* after the death of Lauilitonga in 1865 has already been discussed. With the Constitution of 1875 King George totally consolidated his position (receiving the titles of *Tu'i Tonga* and *Tu'i Kanokupolu*) and removing the inherent consensus and flexibility concerning the rights of chieftainship.⁴ The flexible system of titles and inheritance passed out of existence and a rigid father-to-son inheritance system was initiated. Where before a person received a title because of ability and consensus, now a person received a title because of the law. A completely workable system of status achievement had been removed and in its place a system of ascribed status substituted.

With the Constitution of 1875 King George created the hereditary class of nobles, or *nopele*, who are included in the generic gloss *hou'eiki*. The Constitution created the '*eiki nopele*', but some of these '*eiki nopele*' were only *matapules*, or titled non-'*eiki*' in aboriginal Tonga, and hence were only '*eiki*' in name and not '*eiki*' by noble birth.

Prior to the Constitution, no one individual could hold more than one title, since the title-holder was responsible to a specific group of people. Now, as a result of the Constitution there are men holding two titles, the most notable being Honorable Kalaniuvalu-Fotofili, and an individual has to divide his time, and hence his obligations, between two different groups of people.

In aboriginal Tonga, women always had important positions in the society, with the *Tamaha* being the classic example. With the passage of time, the descendants of the *Tamaha* have suffered (Kaeppler 1971: 183), although the *Tamaha* herself had extremely high rank and status in

⁴ It was not written into the Tongan Constitution that *Tu'i Kanokupolu* King George was given the two titles of *Tu'i Tonga* and *Tu'i Ha'a Takalaua*. King George merely said that he "was conferred" with the two additional titles; however, at the same parliamentary meeting, King George said: "However I now desire to appoint paramount chiefs for these two dynasties as well as the Hangatapu so I now confer the following titles and they are to be hereditary. (1) Tungi and his descendants to be head of the Ha'atakalaua for ever. (2) Kalaniuvalu and his descendants to be head of the Kauhala'uta [of the *Tu'i Tonga*] for ever. ..." (In Hunter 1963: 4). One of the reasons that this was done was because of the fact that it was eventually written into the Tongan Constitution that if King George Tupou I were to have no legitimate heirs, the "Crown of Tonga" was to "descend to Uiliami Tugi and his lawful heirs" (King George Tupou I in *Tonga Government Gazette*, Volume II; 35E, December 16, 1885, page 1; also see Wylie 1967: I, 21).

rural characteristics

To the air passenger wheeling over Nuku'alofa on the descent to Fua'amotu airport some ten miles distant, there would be no doubt that the town presents a rural appearance. It would be difficult for him to remember, even if he knew, that below was a town of some 18,000 people with an average population density in excess of the Suva urban area which he had left some three hours earlier. He would see the iron roofed buildings of the administrative and commercial core, but beyond this would recognise no functional specialisation. Many of the houses, small and thatch roofed, would be hidden among the trees. More visible would be the white coral sand of the graveyards, marking the earlier boundaries of the town's component villages. Closer inspection would confirm the observation by Spillius that 98 per cent of the population live in rural conditions.¹⁴ There is no sewerage, reticulated water serves only key government areas and over half the population live in houses made at least in part of indigenous materials, often of traditional design. Towards the margins of the town the number of thatch and composite houses increases, as also does the percentage of migrants squatting on unconfirmed titles to land, and the involvement of agriculture. The town's boundaries, like its position in the rural-urban continuum, taper off slowly and only a broad transition area is distinguishable.

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Land in Tonga is occupied on titles that trace their origin to the feudal days of the primitive nobility¹⁵ and to early attempts by the first modern king and his missionary advisors to modify tradition to more closely resemble the system of tenure acceptable in Victorian England.¹⁶ This blending of traditional and introduced, Tongan and Western, permeates almost every facet of Tongan life. It was consciously and deliberately introduced by a far-sighted monarch in an attempt to consolidate his position within a traditional framework and it served its function of perpetuating traditional content within a modified and apparently modern or western form.¹⁷ Thus, all land belongs to the Crown and through it to the nobles and government in the form of hereditary estates or tofi'a. These tofi'a are subsequently divided into 'api kolo or town allotments and 'api tukuhaui or country allotments and all male tax payers are legally entitled to a town and country allotment, although this right cannot always be exercised. The occupier has only a life interest though it is usually inherited according to stipulated laws of succession which favour the eldest son and the widow. The town dweller in this respect is in no way different from the country dweller. He is attached to the land and the ownership and direction of this land is of family concern. Its social significance is at least equal to its economic significance. Thus, although some two-thirds of the town's household heads were without registered 'api tukuhaui in 1963, only one-fifth had no access

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114 gists have used descent to mean
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...theories of biological kinship, forms of family organization, rules of kin group membership, and rules of succession to political office and to social and property intitlements as if they were all necessarily reflections of the same thing.

121 In this discussion, I will not attempt to define descent generally, but
611 rather I will specify its various meanings and functions as used in this study.

611 Within Tongan society three functions of descent can be conceptually distinguished. The first function of descent is surrounding ego with a personal kindred and defining his relationships to kin categories within the kindred. A second function of descent is structuring the succession to titles and corporeal property. A third, less clear and less definable, function associates ego with a locale and a group of kinsmen residing in the same locale.

114 The failure to separate conceptually the function of descent has
611 been a recurring problem in ethnographic reports on Tonga. Gifford (1929) overemphasized the function of inheritance of titles and land and consequently gave a distorted view of Tongan kin ideology.

(613) The lineages are patrilineal. Each consists of a nucleus of related chiefs about whom are grouped inferior relatives; the lowest and most remote of whom are commoners. Some commoners are not aware of their lineage as such, but most are and claim relationship to some chief, usually the one under whom they live. Thus the commoners living under the chief, Ata, are reckoned as of his lineage, Ha'a Ngata Motua. The landed chiefs of today are all grouped in lineages (Gifford 1929: 30).

114 A view opposing that of Gifford's is presented by Beaglehole (1941)
611 and Aoyagi (1966). Both of their accounts stress bilateral reckoning
612 and the personal kindred as the dominant characteristic of Tongan kinship.

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Kaepler is non-committal in discussing the nature of the relationship between the personal kindred and the lineage system. In the quote above she says the two "...can be conceptually distinguished..." and adds the cautious statement that "...there is a great deal of interaction between them." One of Kaepler's own comments suggests that the distinction between the two is more real than conceptual.

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Even though a man may inherit a noble's title, together with a great deal of land and material wealth, he still avoids his sister, treats his brother nearly as an equal, defers to his father's sister and gives anything she wants, demands pigs from his mother's brother, and allows his sister's children to take any of his possessions (1971: 177).

This statement comes closer to the position which states that an individual's position in the lineage system has very little to do with his relationship to his kindred.

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The discussion above serves to illustrate that Tongan kinship performs several functions and one cannot hope to describe kinship by focusing on one function. Below I will present a description of Tongan kinship based on the data I collected and analyzed with the thought in mind that different kinship functions may be fulfilled by different ideologies and structures.

Kainga: A Personal Kindred

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The Kāinga is a true bilateral kindred inclusive of all consanguines to whom ego can trace a relationship either through his mother or his father. Kāinga does not include affines. Kāinga is not a corporate group, but a body of kinsmen may be recruited from it to act corporately for specific occasions, e.g., weddings, funerals, and

613 of Fohe, the noble of Puke, claimed to be 'eiki 'chiefly' by virtue of
565 their relationship to Fohe. I was not able to establish exactly how distant a kinsman of the noble could call himself 'eiki but a classificatory grandson did not make the claim. The people claiming to be 'eiki by virtue of their relationship to Fohe were said to belong to Ha'a Fohe.

613 My data would seem to indicate that commoners are commoners because
565 they are not members of ha'a. Gifford claimed that commoners were com-
114 moners because they were low-ranking members of ha'a. Concerning the membership of ha'a Gifford states, "Each consists of a nucleus of related chiefs about whom are grouped inferior relatives, the lowest and most remote of whom are commoners" (1929: 30).

Adrienne Kaepler apparently found a situation similar to the one I described for Puke as she says, "A chief's 'people' need not be related to him by blood, but rather are associated with him by virtue of living on the land (tofi'a) which goes with his title" (1971: 188).

613 The present day position of most commoners in regard to ha'a can
565 be summarized as affiliation with, but not membership in, the ha'a of the noble on whose estate they reside. This, of course, does not preclude a commoner claiming ties with a ha'a through consanguineal links.

Inheritance

428 Land and titles are the two most important properties transferred
424 through inheritance. Titles that are associated with estates are only
[656] awarded at the discretion of the government. Ideally, titles are inherited by the rule of primogeniture; the male claimant with the closest

428 agnatic ties to the most recent titleholder should succeed to the title.
424
[562] A female may be invested with the rights of a title through inheritance if there are no male heirs, but she cannot exercise those rights. She can, however, pass the title on to her male descendant.

428 The inheritance of land is codified in law and land cannot be
423 willed; rather, the heir is determined by law (Maude 1971: 112). However, exceptions to these laws are common as land is often inherited in a manner that is jurally, but not legally, binding. This is possible because a great many allotments are not registered, but held by individuals at the discretion of nobles. Under these circumstances even children of an adoptive status, not recognized by law, can and do inherit land. Alaric Maude (1971: 112-113) describes the legal aspects of land inheritance. Here I would like to present the following as an ideal case of property inheritance from an untitled deceased.

[597] After the death of a married man with children of both sexes 'all property above the ground' koloa 'ihe funga kelikeli passes into the control of his wife. She may dispose of this property as she wishes. She also inherits the rights to use the land as long as she wishes or until her death. After the death of the deceased's wife, his eldest son will usually inherit the rights of usufruct to his father's land; this is in accord with the law. Although the law does not recognize wills for land inheritance, dying men may name who they want to inherit their land. Even though such a practice is not in accord with written law, it is usually recognized and respected within the community for land that is not registered. Also unrecognized by law is the custom of

428 inheritance from MB. This procedure is followed as an aspect of the
604 fahu relationship where ZS has the right to claim property of his MB as his own. Such a custom of inheritance is followed in cases where a man dies without sons, and so the second son of the deceased's eldest sister can inherit, the first son inheriting from his father. These customs that are not in fact legal will probably continue as long as large portions of land remain unregistered.

Stranger and Friend

609 Non-kinsmen are conceptualized and categorized according to ego's familiarity with them. All foreigners to Tonga are muli. Tongan strangers to one's village are sola or vūlangi; these terms are frequently used in a derogatory manner. The use of these terms reflects
609 the animosity which exists between villages and is sometimes manifested
628 in fighting, particularly between boys and younger men. In many of these incidents the fact that one person or a group is from another village is enough to provoke a fight.

572 Terminologically, Tongans distinguish two broad categories of friends. Kaume'a are close friends and usually include only persons of the same sex and approximately the same age as ego. This term can be used to refer to friends of the opposite sex, but here implies a courtship relationship. The term sō is usually used to refer to one's girlfriend or boyfriend. Kaume'a work and play together and freely share their material possessions. Kaume'a are very important to children and young unmarried persons of both sexes. Interaction with one's kautaha

597 Exposition of one case will illustrate some of the complications
and alterations that result from adoption. Lutu was adopted at the age
of seven months by Va and Tevita; Va was Lutu's FMS but after the adop-
tion Lutu called Va fa'e 'mother' and Tevita tamai 'father'. Va had
one child of her own, a daughter, but the girl married young and left
home so Va wanted another child. When Lutu was nine years old, Va be-
597 came very ill and Lutu was sent back to live with his natural parents.
763
593 Va's illness continued for about a year and then she died; at that time
Lutu ran away and returned to live with Tevita, his adopted father.

593 During the next few years Lutu's mother came several times to take him
597 to her home but each time he ran away and waited until she had left to
598 return. During this period there were a lot of hard feeling between
Tevita and Lutu's biological parents. The last time Lutu's mother came
to take him back he was seventeen and he told her he was old enough to
decide for himself and he wanted to stay with Tevita.

597 When Lutu's biological mother died he did not go to her funeral,
764 but when his biological father died both he and his adopted father at-
593 tended the funeral. Lutu inherited nothing from his biological parents;
[428] all of their possessions went to a younger son. When Tevita died Lutu
inherited all his possessions.

597 The case is also an example of how adoption creates alternatives
602 for the adoptee. Both Lutu's biological parents and adopting parents
resided in the same village, but the biological parents had few kinsmen
within the village while the adopting father had several kinsmen. By
stressing his relationship with his adopting father, Lutu closely

597 young woman just starting or in the midst of her childbearing years.

Or tama could also be a man with a young wife. The same would hold true for other dyads with cross-generation principals like 'BC'-'FZ'. Given the adoptees are usually less than two years of age it would not be expected that middle-aged or old women would be donating adoptees to adopting parents.

Concerning Conscious Models

121 Conscious models in general reflect patterns of behavior with varying degrees of accuracy. To illustrate this assertion, I will compare two conscious models--the Tongan model of marriage with the Tongan model

183 of kinship reciprocity. The model of marriage or at least certain as-
582 pects of it are followed closely in terms of behavior. For instance,
581 the marriage model contains these principles: Two people cannot marry if they are kinsmen; a marriage must be condoned by both the groom's parents and the bride's parents; the marriage must be legally recognized and given religious approval by the church. Some of these principles

(673) are disregarded under penalty of law, i.e., it is illegal for persons
(684) to live together as man and wife if they are kinsmen or if their mar-
(656) riage has not been registered by the government. Further punishment is
(848) provided by the fact that children born of an unregistered marriage are
(428) illegitimate and, therefore, ineligible to inherit.

585 If parents disapprove of the marriage or if the marriage is not
582 recognized by the church, the couple probably would be subjected to
626 strong social sanction in the form of gossip or even social ostracism
183

THE CONSTITUTION OF 1875 209

of the Kingdom of Tonga, but only to lease it in accordance with this Constitution' (Clause 109), and only leases approved by the Cabinet were to be recognised. Any lands which were not owned by anyone, or any *tofia* which failed to have legitimate heirs should revert to the government, and the government had the right to lease such lands. [642 423 429]

The Constitution of 1875 marked the culmination of a gradual process by which King George had attempted to bring to Tonga the type of legal and constitutional machinery which would enable her to gain recognition from the civilised nations and maintain her own independent and stable government. Many of the provisions of this constitution departed altogether from traditional precedents, as, for example, in the laws of succession not only to the throne but also to the hereditary titles of the whole country. [642 648 643 428]

Traditionally, hereditary succession to the throne was not automatic, but was decided upon by an 'electoral college' from among several claimants. The selection of successors to the other chiefly titles had been in the hands of the principal chiefs of the *ha'a* to which the title belonged. Usually they chose the most capable candidate. This was essential at a time when the welfare of the whole community depended almost entirely on the wisdom and abilities of its paramount chief. However, there had been bitter rivalry among the various claimants which often resulted in open conflict and war between factions. [643 565 613 578 669]

By the 1870s there was considerable speculation among both Tongans and European settlers and British administrators in the South Pacific, as to who would become the successor to King George, after his long reign, extending from his rulership of Ha'apai since 1820, of Vava'u since 1833 and of the whole of Tonga since 1845. Many prophesied that civil war would break out over this question if nothing were done about it. As early as the 1850s the missionaries had repeatedly requested King George to declare a successor.² St Julian had also dealt with [643 197 177]

² The Rev. R. Amos wrote:

On the 9th of December 1856 I invited the King and Queen to dine with the Prince at our residence on Olobeka Hill, and on that occasion I told His Majesty that some persons blamed him for not publicly proclaiming George as his successor. His reply was 'It is

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positions in the new order. On the other hand, Tupou himself stated at the opening of Parliament in 1875 that

... the law of Tonga was up to this day that the whole of the soil of Tonga belonged to me; but this did not appear to me to be just and we have made an Ordinance as follows: The estates really belonging to the chiefs of our land shall be theirs, and they and their descendants shall hold them forever (Hunter 1963:2).

Some chiefs, however, were not granted estates, many areas remaining under the control of the King, and although the present holders of these chiefly titles are still respected for their rank, their functions are now purely ceremonial. The *'ulumotu'a*, the heads of the various lineages under a chief, also lost position, for while in the traditional land tenure system they appear to have had some function in the distribution of land, under the Constitution control over land allocation on the hereditary estates was vested solely in the estate-holders, with individuals receiving land as a direct grant from their chief.

The 1875 legislation was in several respects incomplete, and following a review by Baker, who became Minister of Lands in 1880, an Act of 1882 established the right of each male Tongan of tax-paying age to be granted a town allotment and a gardening or 'tax' allotment by the holder of the estate on which he lived. Tax allotments, which were to be heritable in the male line, were to be 100 fathoms square, or eight and a quarter acres, except in western Tongatapu and in Ha'apai where they were to be only fifty fathoms square because of the greater density of population, a provision deleted by a later Parliament. Within each estate land was to be set aside for the titleholder and for his *matapule*, but the provision for special holdings for *matapule* was also later removed.

By 1882, therefore, the basic principles of the present land tenure system had been established, and major changes in the law since then have been few. In 1891 the government was made responsible for granting allotments and estate-holders could only receive the rent. This change appears to have been made by Basil Thomson, who was sent to Tonga by the British Government after the deportation of Baker in 1890, to reduce the power of the nobles over land (Thomson 1894:230). In 1915, however, estate-holders gained the right to be consulted before allotments were granted on their estates by the Minister of Lands.

There have also been changes in the regulations relating to the size of allotments. In an attempt to stimulate agriculture by

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settling people on their farms, and to encourage movement to more sparsely populated districts, the Land Act of 1927 provided for the grant of twelve and three-eighths acres of agricultural land to men willing to forgo their town allotment. Little came of the provision, however, only twenty-three applications being received up to 1934, when the scheme was enlarged to permit grants of fifteen acres. Although several estates on Tongatapu were laid out in fifteen-acre holdings, population growth has led to all but one being resubdivided into eight-and-a-quarter-acre allotments, and a recent amendment has reduced the area that can be granted under this provision to ten acres.

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Finally, there have been some changes in the estates. In 1882 hereditary estates (*tofi'a*) were granted to thirty-six titleholders, thirty of them nobles and six of them *matapule* who, although given estates, were not made nobles. Any land not granted to a noble or *matapule* *ma'u tofi'a* became the estate of the King, but in 1891 Tupou handed over most of this land to the government (Thomson 1894:231). Two more nobles were created and granted estates by Tupou II and one by Queen Salote. There are thus at present several types of estate: Royal estates belonging to the King, Royal Family estates held jointly by the Royal Family, hereditary estates belonging to the nobles and a few *matapule*, and government estates under the direct control of the Minister of Lands. About sixty per cent of the population lives on hereditary estates.

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Having outlined the development of the system as it exists in law we may now attempt to assess its effectiveness in practice. The following sections will discuss the acquisition and holding of land, the distribution of agricultural land between households and individuals, and the question of individual tenure and its effect on agricultural production.

ACQUIRING AND HOLDING LAND

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[425]

[589]

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The most common and the easiest way to acquire land is through inheritance, but land cannot be willed and the heir to an allotment is determined by precise rules laid down in the Land Act. On the death of a landholder his widow is entitled to a life interest in her husband's town and tax allotments, but she loses this right if she remarries or is found by the Land Court to have committed fornication or adultery. This latter provision is occasionally used but in recent years actions based on it have rarely, if ever, been successful (see Hunter 1963:109-10).

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If there is no widow the land passes to the deceased holder's eldest son, or if he is also dead to his eldest son, and if there is no male heir through the eldest son then the land passes to the next eldest son or his male heir and so on. If there is no heir through the sons an unmarried daughter may hold the land for life, or until she marries or is proved in the Land Court to have committed fornication. Several unmarried daughters may hold jointly. If there are no daughters the succession passes to the deceased holder's brothers and their sons, or failing these, to the brothers of the deceased holder's father and their male heirs. No person may inherit land if he already holds an allotment of the same kind as that to which he is entitled as heir, but where the heir is a son or grandson of the deceased holder and already has land he may choose between his own allotment and the inherited allotment. Should there be no heirs the land reverts to the estate-holder or the government, depending on the type of estate. Only legitimate sons may inherit, and only in very rare cases is an allotment divided between two heirs. These rules of inheritance do not necessarily follow Tongan custom exactly. For instance, succession to an allotment cannot now be traced through a female, and the son of a daughter of a deceased holder has no claim to the land of his mother's father, although succession to an hereditary estate can be claimed through females. In practice, however, where there are no heirs through males the Minister and estate-holders usually allocate the land to the nearest other relative. A study of land acquisition in two villages showed that in one an allotment had passed from a widow to her brother's son, there being no claimant from her husband's family, while in the other, six of the forty-eight landholders interviewed had gained their allotments from their mothers' relatives.

With large families common it is obvious that many men will not be able to inherit land, and for them the only way of obtaining an allotment is to acquire one that is vacant. This has not been easy, however, over the last two or more decades. In the more densely populated parts of Tonga all allotments have been occupied for some time, while in other districts the survey and subdivision of the land has not kept pace with the growing number of taxpayers. Up till 1957 only 2,564 eight-and-a-quarter-acre allotments had been marked out, although there were then about 12,000 taxpayers, and in the less densely settled areas where allotments should have been available much of the land remained in customary holdings of about ten to thirty acres (similar to those shown in the 1910 map for Niutoua in Figure

1).^A

^A [See Category 423, p. 109--Analyst.]

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218 *Elizabeth Bott*

565 of lower rank. By and large, high rank is more highly esteemed
554 than political power or political authority. Power and authority mean work and responsibility; high rank means pure privilege.

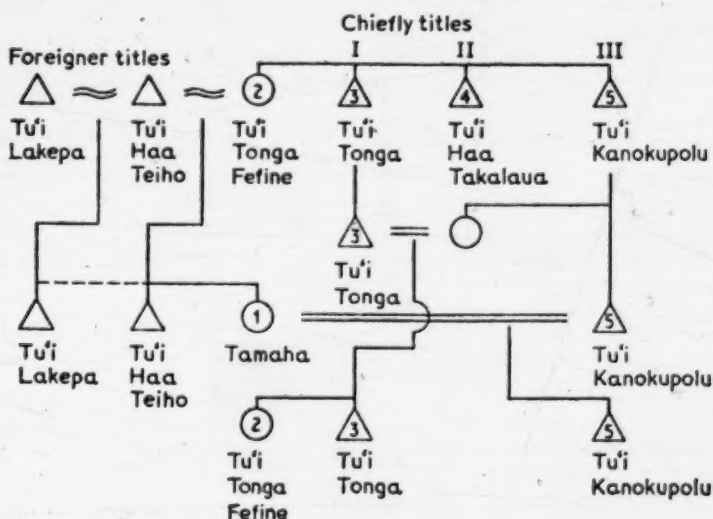
Personal rank depends not on whether one holds a title, but
[593] on sex, seniority, and descent. Sisters have higher rank than
[562] their brothers; elder siblings have higher rank than younger siblings; and the descendants of sisters have higher rank than the descendants of their brothers. Unlike a system of social class such as we are familiar with in our society, the Tongan system of rank is such that no two individuals can have the same rank. The society is not divided into ranked groups or categories; rather the conception is one of a line from the person of highest rank at the top to the person of lowest rank at the bottom. Moreover, personal rank is relative to the relationships involved. A man may be an 'aristocrat' ('eiki) at one funeral and a lowly kitchen worker at another, depending on how he is related to the deceased.

● [428] Unlike titles, which are normally inherited in the male line,
[61] personal rank is inherited from both parents. To be a great aristocrat means that one is descended, preferably through a line of eldest sisters, from the eldest sister of the former sacred King, the Tu'i Tonga, a title that is now defunct. Even the principles of rank in themselves may sometimes conflict. If a man marries a woman who is a great aristocrat and his sister marries a lowly commoner, the children of the respective marriages will be in a contradictory situation. According to one principle the children of the sister will have higher rank than the children of her brother, but according to the other principle (that descent from the Tu'i Tonga's sister confers high rank) the children of the brother will have higher rank. The resolution of such contradictions depends on the situation and the people involved, and gives rise to much gossip, ill-feeling, and amusement.

Like the dimension of political power, personal rank cuts across the other dimensions of stratification. This tendency was very marked in the traditional system. Many men of high rank

244 *Edmund Leach*

643 Figure 1 Perpetual succession and affinity of Tongan titles (numerals indicate rank order of titles)
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276 The essential features of a Tongan kava ceremonial appear to
574 be the following:

The participants seat themselves in a circle in the manner shown by Bott in *Figure 1*, p. 208. The order of seating is precisely determined by the rank of the title held by the individual concerned. (Tongan titles are transmitted patrilineally in accordance with a system of positional succession. For example, certain titles are in younger brother relation to other titles 'but it is the titles that are brothers, not the men' (Bott, p. 211). Kava plants and food (traditionally sugar cane) are presented to the presiding chief and placed in the centre of the circle. The presiding *matāpule*² then gives orders that a kava plant be taken from in front of the presiding chief down to the kava bowl end of the circle where it is

split up, cleaned, and then pounded by the kava maker. (Traditionally small bits of the kava root were handed to people in the outer group who chewed it, spat it out neatly on to a leaf, and then handed it back to the kava maker who put it in the bowl.)

The structure of symbolism 247

1929, pp. 80-1: also Bott, personal communication). Notionally 644
it should have been possible to generate an individual of even 643
more exalted personal status than the Tamaha by having this 554
lady cohabit with the Tu'i Tonga. Tongan myth actually
provides for such a possibility (Gifford, 1929, p. 81) but
significantly no such alliance seems to have occurred in history
(see *Figure 1*).

It will be seen that although the political leader, the Tu'i 643
Kanokupolu, held a lower ranking title than the ritual leader, 554
the Tu'i Tonga, the pattern of marriage was such that the
personal rank status of the Tu'i Kanokupolu, derived through
maternal links, might be as high or higher than that of the
reigning Tu'i Tonga.

The net result of these complex games of status is thus sum- 565
marized by Bott (p. 218): 554

Unlike titles, which are normally inherited in the male line, 611
personal rank is inherited from both parents. To be a great [128]
aristocrat means that one is descended, preferably through a line
of eldest sisters, from the eldest sister of the former sacred King,
the Tu'i Tonga, a title that is now defunct. Even the principles of
rank in themselves may sometimes conflict. If a man marries a
woman who is a great aristocrat and his sister marries a lowly
commoner, the children of the respective marriages will be in a
contradictory situation. According to one principle the children
of the sister will rank higher than the children of the brother,
but according to the other principle (that descent from the Tu'i
Tonga's sister confers higher rank) the children of the brother will
have higher rank.

This statement suffices to provide us with an initial hypothesis. 276
The kava ceremonial contains only two classes of operations. 574
First, the participants must seat themselves in the right order. 554
Second, the kava and food must be ritually prepared and 565
handed round. The position in the circle of present-day title-
holders is determined by patrilineal succession in accordance
with the relative ranking position of the hereditary titles, but
the personal rank of the holders of these titles may be widely
discrepant from the relative ranking of the titles themselves.

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state, church, and education. As a surviving, highly visible sector of legally supported hereditary privilege, offering exclusive access to sources of wealth, influence, and power within the Tongan new order, the nobles are increasingly criticized by Tongans and outside observers as a source of injustice in a society that was created on the themes of emancipation and individual liberty. The tempo of such criticisms has increased significantly since the succession in 1965 of Tupou IV, who is committed to modernization and closer relations with other regional and world governments.

Although viewed stereotypically by some as an anachronistic and conservative segment of society, the nobility in terms of the composition and activities of its membership cannot be fairly characterized so one-dimensionally. As social historians have shown for old elites in the transformations of European societies (see Moore, 1967; Stone, 1965), the composition of Tonga's hereditary nobility, although fixed and rigid in principle, has been characterized by a degree in fluidity. Further, its response to generally modernizing and liberating changes has in fact revealed some degree of flexibility and accommodation.

Issues raised in the public litigation of noble succession, a matter determined by law and the Tongan Land Court, offer a perspective on the nature of the social composition of the nobility and also on the significance of the noble title system as a determinant of social status in modern Tonga. The purpose of this paper is to present a detailed account of noble succession disputes and to discuss what these disputes indicate concerning the position of the nobility in modern Tongan society. I have described the modern social contexts and activities of the nobility elsewhere (Marcus, 1975b).

Trends of Change in Tongan Society

The Kingdom of Tonga consists of an archipelago of 150 islands with a total area of 269 square miles. These islands are just west of the International Dateline, about 430 miles southeast of Suva, Fiji, a similar distance southwest of Western Samoa, and about 1,200 miles northeast of Auckland, New Zealand.

Only about 36 islands of the archipelago are inhabited, and these are clustered in three main groups: the southern or the Tongatapu group, including the single largest island of the Kingdom, Tongatapu, on which the port capital of Nuku'alofa is located; the middle or Ha'apai group of widely scattered small islands; and the northern or Vava'u group of islands. The rapidly increasing population has been estimated to have reached 100,000. In recent years, land shortage and rising aspirations, resulting from increased contacts with the outside, have been accompanied by marked increases both in internal migration from the outer islands to Tongatapu and in temporary and permanent migration abroad to countries such as New Zealand and the United States. The Tongan economy is predominantly agricultural, based on mixed-crop production by

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The foundation of the reforms which transformed the old order lay in the land tenure system initiated by Tupou I, and which has remained largely unchanged since 1891. The major feature of this system is the granting and inheritance of land solely on an individual basis. Every Tongan male, aged 16 and over (at 16, Tongan males legally become taxpayers), is entitled to not more than 8½ acres of bush land, called a tax allotment, and a small town allotment on which to build a house. The hereditary tax and town allotments pass from father to eldest son. Legally defined annual rents or tax allotments to be paid either to the government or noble landlords are nominal, and these are often neither collected nor paid by the small-holder. No land in Tonga can be sold to foreigners, but leasing is permitted under strict government control. This individualized land tenure system served to transfer the prerogative of land distribution from local chiefs and lineage heads of local descent groups in the old order to the monarchical government.

Overlaying this prospective patch-work division of Tongan society into family farms were the grants of landed estates or *tofi'a* to selected hereditary chiefly lines of the old order, constituted as a nobility. In contrast, the majority of pre-Tupou chiefs still informally pass on their titles, which now have only ceremonial or ritual significance, but they have effectively been reduced to the same legal and social status as all other small-holding farmers.

From the end of Tupou I's reign to the present, nobles as landlords have been legally restrained in their control of both the people and the lands of their estates. They cannot arbitrarily control the rents, services, or tenure of their small-holding tenants. They can hold undistributed land on their estates for themselves and can select holders in the distribution of unallocated land, but even this latter prerogative is mediated by the final approval of the Minister of Lands. Given land shortage, the import of the noble's personal distribution of available holdings is diminishing, but also as a result, this prerogative has been the focus for much of the traditional and current abuse of the nobility's rights in control of its estates (in the form of receiving bribes and services outside the law). Land which is not divided into hereditary noble *tofi'a* is either Crown estates or the personal estates of the King and Royal Family.

Land practice has never scrupulously followed the definition of the legal provisions, either when land was more plentiful or now that land is scarce. For instance, several noble landlords have thus far enjoyed considerable traditional prestige among the people of their estates which has given them more actual control of their estates than the law grants them. Also, the distribution and management of individual holdings has in general occurred in the context of broader kin networks and decision-making processes than might be expected from the ideal distribution and control of land in independent nuclear family units, as suggested by the legal definition of land tenure (see Marcus, 1975a). Nonetheless, the legal provisions of land tenure have shaped

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565 are aristocrats by the modern application of the old principle that true chiefs
 178 are close blood kinsmen (*sino'i 'elki*) of the King (previously the Tu'i Tonga,
 [643] but now the Tupou Kings). Secondly, title-holders who are not closely related
 [558] to the King or to one of the aristocratic nobles are the gentry nobility that was
 mentioned. In the current situation, the gentry nobles are left to their own
 fortunes, which means that without *sino'i 'elki* blood connections established
 through marriage or high government position, controlled from the centre, they
 decline in respectability and image among the people. Finally, certain key
 565 titles of old Tonga, which were associated with regional, independent chiefs of
 178 considerable power, have become vacant and may be resurrected by the monarch
 643 according to his wishes. It is generally believed that younger male children
 of the King may be appointed to the more prestigious of these vacant titles.⁷

565 Before the Tupou era, 'elki honour was closely guarded, promoted, and at
 178 least partially defined by the major chiefly kin groups themselves, much as kin
 [171] groups at various levels control the appointment and manipulate the status of
 chiefly titles in modern Samoa. With the implementation of the noble title
 system, 'elki honour became a monopoly and a prerogative (in the control of
 title and estate location) of the centre in the process of consolidating the surviving
 chiefly system. In contemporary Tonga, the process of refining the century-long
 consolidation begun by Tupou I continues.

Succession to Hereditary Titles and Estates

565 In pre-Constitutional Tonga, succession to positions of authority and titled
 178 office was patrilineally determined, based on seniority in lineality and age,
 611 and applied to all units of social organization from the domestic group headed
 428 by the *tamai* ('father'), to the local descent group headed by the 'ulu motu'a
 [178] ('elder head'), to the Kingship itself. It is worth emphasizing that patrilineality
 was a predominant trend, specifically in succession to positions of authority
 throughout the traditional polity, but it in no way had the force of law that
 it now has. In the traditional order, direct patrilineal succession was always
 contingent upon variations in personality, ability, and relative conditions of
 power and authority among related kin groups.

Eldest brother-younger brother succession was frequent, and some say, a
 preferred path of traditional succession to chiefly position. Younger brother

⁷ Of the 33 noble titles, five are currently vacant and two are held jointly by a
 single holder, making a current total of 27 noble title-holders. Of these, three titles
 are held within the Royal Family. Of the remaining 24 title-holders, I estimate that
 five are clearly of *sino'i 'elki* or aristocratic status, marked by their close kinship with
 the dynastic line, in turn developed through intermarriage of their respective lines
 during two or more past generations with the dynastic line. These aristocratic nobles hold
 important government positions. The remaining 19 noble title-holders are gentry, some
 recognized kinsmen of the aristocrats and the King, some totally without such relation-
 ships. The six *matipule* estate-holders might be classed with the gentry nobility. One
matipule title is held jointly by a gentry noble title-holder, and one *matipule* title-holder
 holds high government office.

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succession can be and usually is explained by a contextual factor such as the lack of ability, the physical absence, the immaturity, or simply the dislike among supporting chiefs of the appropriate, eldest-son heir. However, some informants explained that chiefly authority should pass between brothers because of *toto mafana* ('warm blood'): the younger brother shares identical chiefly status as the deceased chief because they had the same mother, but the chief's eldest son has a different chiefly status, whether higher or lower, than his father, because he had a different mother than the latter.⁸ Thus, the chiefly position should properly pass through the surviving brothers until they are exhausted before it eventually returns to the senior male line. However valid or accurate this current indigenous explanation of former succession beliefs may be, the issue of priority between horizontal succession through brothers and vertical succession through sons has survived as a continuing structural tension, despite strict, legal definition of succession.

The Tu'i Tonga formally installed the major chiefly titles of the old order, and the holders of the latter in turn installed titles subordinate to themselves. Formal installation of subordinate titles occurred in the context of a kava ceremony, headed by the appointing chief. An appointee would be served kava under his new title after which he would present a large tribute of food, called *pongipongi hingoa* ('presentation in honor of entitlement') to the appointing chief. With the serving of kava and the presentation of food, the new title-holder was considered formally and permanently installed in his title. Conversely, at the installation of a king, the appointee would sit at the head of his own kava ceremony and be presented with food tribute by his supporting chiefs. Although succession to noble titles is now legally defined, the monarch continues to install the nobility in the customary manner.

The law of succession to hereditary titles and lands is included both as a clause in the Constitution (Clause 111) and in more detailed statutes of the Land Act (Chapter 63, Clauses 37-42, *Law of Tonga*, 1967). Although there are separate sets of clauses referring to the devolution of hereditary estates and tax allotments in the Land Act, both sets are similar in content and formulation. This similarity suggests an identity between special landholding in the form of

⁸ Although chiefly position, either as title or leadership, typically passed patrilineally in the traditional order, an individual's chiefly rank was a composite weighting of his father's chiefly rank with his mother's. In this weighting, the status or rank of one's mother carried more prestige, connoting that one had personally the chiefly blood of one's mother (and her chiefly group of origin), but possessed the chiefly position of one's father. I could obtain no clear indigenous explanations for this distinctive weighting or association of the chiefly child with its mother. Nonetheless, the ideal is for the child to be well-balanced, i.e., for both of its parents to be of chiefly status. A male child with only one chiefly parent (in most situations, a chiefly father and a commoner mother) is still considered chiefly, but is sometimes ridiculed as *ngasi taha* ('half-shelled'). Even though formal legal definition of patrilineal succession to noble titles to some extent has subdued the importance of the rank of the mother in influencing the rank of the child, several modern nobles are 'half-shelled' and as such, are generally viewed as ordinary or common persons, but for their possession of titles.

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641 hereditary estates and routine landholding in the form of hereditary tax allotments. The noble is privileged to hold and pass on large estates, but this
 428 privilege is in fact of the same sort, albeit of a different scale, that commoners
 423 enjoy in the devolution of their much smaller estates, the tax allotments. In
 565 this sense, landholding under the law in land-scarce Tonga at whatever level,
 671 defines privilege, which is revealed in a comparison of the similarities, if not redundancy, of succession statutes applied to estates (of landed nobles) and tax allotments (of landed commoners) alike.

641 The major features of the succession to hereditary lands and titles as
 428 stated in Clause 111 of the Constitution and the statutes of the Land Act are:
 423 the heir must have been born in wedlock (of a formal Christian marriage). He
 565 should be the eldest male child; failing him, then any other male child (and
 671 his descendants) by seniority of age; failing him, then any female child (and
 611 her descendants) by seniority of age. Failing an heir in the direct line of succession, the title and lands revert to the line of brothers of the previous holder and their descendants in order of seniority. Failing a male heir in the line of brothers, succession proceeds through the lines of sisters.

[562] A special stipulation pertaining to hereditary estates is that "should a female be next in succession to the title of a noble or of an hereditary chief the next male heir shall inherit the title and estates. But should such female afterwards have a legitimate issue the title and estates shall revert to the male issue of the female upon the death of the male in possession of the estate . . ." (Clause 111). Should there be no legitimate heirs to an hereditary title and estates, according to the above rules, they revert to the King for reappointment at his prerogative. No person can succeed who is insane or has been convicted of a felony since the granting of the Constitution. Nor can any person who is not of Tongan nationality succeed to land or titles.

641 There is a statute (Clause 40) which provides for the appointment of a
 429 Trustee by the monarch to represent and manage an hereditary title and estates
 423 which are vacant, but for which there is an heir who is still a minor (under
 565 21 years). Trusteeship was an ambiguous issue in early succession cases because
 671 it was often not clear whether the intent of a deceased monarch (Tupou I or
 642 Tupou II) was that a person holding a title should succeed to it instead of the
 611 heir or whether he was a mere representative in the heir's minority. Such a
 642 situation was especially ambiguous when the appointee and supposed trustee was
 611 a younger brother of the previous holder, had been installed in the customary
 642 manner by the appointing monarch, and used the title and lands as if he were
 611 the proper title-holder (e.g., by attending parliament). Of course, the law was
 428 unambiguous as long as there was in fact an eldest male child heir of the
 423 previous holder. Rather, the ambiguity resided among the parties in dispute and
 565 was based on a surviving attitude, regardless of the law, that younger brother
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succession was just as appropriate and permanent as eldest son succession, manifesting the pre-Constitutional tension between the two alternative kin positions that were both common successors to titles of deceased holders.

Through a set of ordered priorities the succession law defines a discrete and exclusive kin position to hold hereditary lands and titled honour associated with them. This formalization of customary succession had important effects on relationships within the kin groups of noble title-holders. The exclusive definition of the nobility in terms of individuals created a basic ambiguity and tension within modern noble families regarding the limits of the distribution of noble titles as a resource among kinsmen both in terms of chiefly honour and wealth. Presumably, in pre-Constitutional Tonga, titles were held by individuals according to customary rules of succession similar to the present laws, but it was chiefly honour and leadership responsibility, not primarily land as such, that was the 'thing' held and transmitted. Furthermore, chiefly honour was clearly a kin group resource, merely focussed or represented in the title. The final arbiter of succession, given customary patrilineal practice, was some process of decision-making among the kin group members. The institution of strict legal procedures governing succession removed the final determination of succession from within the chiefly kindred as well as made problematic the extent to which noble status could be claimed beyond the legally determined title-holder and his heir.

NOBLE TITLE SUCCESSION DISPUTES

The Context and Conditions of Succession Disputes

In line with the positive, if not enthusiastic, moves toward modernization, embodied in the nineteenth-century reforms, Tongan law makes no mention of or allowance for customary practices (except in one case which will be discussed below). In a sense, law as the vehicle of transformation was intended to be a virtual replacement for customary practices. Thus surviving customary practice has a shadowy existence outside the law without explicit indications as to what the orientation of law toward surviving custom should be. The status of Tongan law in relation to custom is in marked contrast, for example, to the situation in neighbouring Western Samoa. There, the orientation of law to custom, especially chiefly custom, is explicit: custom is neither defined nor codified but is clearly provided for as the standard governing certain practices. For example, the Land and Titles Court in Western Samoa is a constitutionally sanctioned but customary institution through which disputes to chiefly titles and lands (the *metol* system) are adjudicated according to interpretation of uncodified customary practice.

In Tonga, disputes concerning lands and titles are the area of law most likely to raise issues of customary practice. However, since the present land

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671 system was introduced with the Tupou dynasty, any custom regarding it
 423 (especially with regard to the acquisition and inheritance of ordinary tax allot-
 428 ments) must refer to what the law has come to mean in various parts of Tonga
 565 since its introduction — that is, how the law has been made custom in practice
 691 through the post-Constitutional years. Only in the case of hereditary title
 succession disputes among the nobility, the focus of the surviving chiefly
 tradition, do customary definition and practice become issues. Yet, because the
 formal succession law precludes explicit consideration of pre- or post-Constitu-
 tional customary practice, such issues have only rarely surfaced in the course
 of litigation, but instead have been manifested in the backgrounds of the formally
 disputed cases.

692 Before the 1920's, there was no effective legal machinery for the regulation
 [671] of the application of the succession law. The judiciary had consisted of a
 Supreme Court presided over by a Chief Justice (in the twentieth century, an
 office held by expatriates) and district Magistrate Courts, presided over by
 645 indigenously appointed Police Magistrates. Under the laws of 1903, the
 692 Minister of Lands, subject to appeal to Privy Council, was given power to hear
 all disputes affecting land. Under the Constitution, the Chief Justice was a
 698 member of Privy Council, but in 1942, this office was omitted from the Privy
 Council through a constitutional amendment. A temporary Land Commission
 698 was established in 1917 to deal with disputes and claims affecting lands, but
 693 was replaced by a formal Land Court in 1921. The Land Court consists of
 the Land Court Judge who sits with an Assessor, both appointed by and holding
 office at the pleasure of the monarch and Privy Council. The duty of the
 Assessor, usually a noble title-holder and/or a recognized expert on tradition,
 is to advise the Judge on Tongan custom, but he has no voice in the decisions
 [563] of the Court. The Land Court Judge has always been a European, serving
 within the Tongan bureaucracy (in the past, sometimes a Secretary to
 Government, but at present, the Chief Justice or Crown Prosecutor presides).

643 Before the institution of the Land Court (that is, during the reigns of
 698 Tupou I and II), then, there was no formal judicial check on the monarch's
 565 adherence to the succession law in his appointments of hereditary title-holders.
 428 The present law explicitly gives the Land Court jurisdiction over hereditary
 [671] title succession disputes (Clause 127b of the Land Act, Chapter 63, *Law of*
Tonga, 1967). When the Court began to consider the first title cases soon after
 its formation, Queen Sāloti informally challenged the right of the judiciary in the
 form of the Land Court to consider the appointment of the title-holders, which
 698 she apparently considered to be the monarch's prerogative alone. This challenge
 565 failed and the Land Court has had continuing jurisdiction over disputed claims
 423 to hereditary titles under the category of a claim "affecting any land or any
 428 interest in land". The decision of the Land Court Judge is subject to appeal
 692 to the Privy Council for final adjudication.

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Of the 33 titles of nobility and 6 titles of estate-holding *matāpules*, 16 titles (15 noble, 1 *matāpule*) have been the subjects of succession disputes investigated and adjudicated by the Land Court from the 1920's to the present. From my data on 18 Land Court decisions concerning noble succession (from 1924-1960), the defendant (i.e., the title-holder) was upheld in 11 cases, and the plaintiff won in 7 cases. Of the 18 Land Court decisions, 14 were fully considered by Privy Council on appeal. The Privy Council upheld 11 Land Court decisions (4 of which were for the plaintiff, 7 for the defendant).⁹

An additional 6 titles have been the subject of informally expressed and rumored claims by non title-holding lines, on the basis of specific legal criteria, but these putative claims have never been heard or adjudicated by Land Court. Also, there have been informal claims to most noble titles with varying degrees of overt expression but these have had no legal basis. Such claims are grounded in traditional beliefs about holding chiefly status that have not been incorporated in the legal definition of title-holding or are based on pre-1875 conditions of chiefly succession in certain patri-lines, which the legal adjudication of titles, established in 1875 as a nobility, ignores. These claims to chiefly status by vicarious association with legally recognized title-holding lines can never be litigated and therefore must be expressed subtly and informally by processes such as gossip in local communities.

A number of litigable disputes arose soon after the initiation of the Land Court. These disputes generally reflected the surfacing in an appropriate forum of claims to titles which had been anomalously appointed in terms of the law during the reigns of Tupou I and II. Other major succession cases occasionally arose in Land Court between the 1920's and 1960. The last major case was adjudicated on appeal in 1960.¹⁰ Although the law has not changed since that time, potential disputes have either not been formally adjudicated (in those circumstances where claimants have made petitions to have their cases heard, they have not been granted) or they have been considered, if not resolved, by some informal process outside the jurisdiction of the Land Court and involving the present monarch, the first Tongan to have gained university legal qualifications. As will be seen below, the present monarch appears to be more

⁹ The major source on title cases is Hunter (1963), who was formerly the Judge of the Supreme Court. I have done intensive background research on four succession disputes, including direct contact with participants and descendants of participants. Perhaps the most valuable source on the succession disputes are the Tongan lawyers who specialized in arguing them. Of these, two are deceased, but the son of one is now a prominent lawyer and was indirectly involved in his father's cases. My most stimulating informant was a retired lawyer, who was an important participant, usually as a defence attorney, in a majority of the title cases. In referring to specific disputes in this paper, I use pseudonyms for the names of titles and places, and letters to indicate specific individuals, except for the dispute over the Kalaniuvalu title, a case of particular historical interest.

¹⁰ A title case was heard in Land Court in 1975, after my departure from Tonga, but no judgment was given, because of insufficient evidence, and the matter was referred to Privy Council.

SUCCESSION DISPUTES IN MODERN TONGA

565 careful than his predecessor in thoroughly investigating possible successors to
 428 titles before appointing a new title-holder, thus diminishing the possibility of
 691 a court dispute challenging one of his own appointments.

[643] Some disputes were settled by a single process of adjudication (in Land
 [695] Court and then on appeal) while others have repeatedly surfaced, as succeeding
 generations of claimants petitioned Land Court and Privy Council to rehear
 claims to titles that their predecessors had lost or failed to gain. A dispute
 concerning the Vakalā title was one of two disputes (the other concerning the
 Mana'ia title) that inaugurated the title cases in Land Court. Ironically
 a related dispute concerning the same title a generation later marked the
 last major title case to be adjudicated by the Land Court and Privy
 128 Council in recent times. The Vakalā case will be analyzed in more detail
 below. I do not intend to deal here with the full complexity and range of
 problems addressed in the adjudication of the succession disputes during the
 interval from 1920 to 1960. Rather, the following two sections will summarize
 major issues specifically raised within the legal framework of adjudication and
 the more general issues raised by the cases with regard to the position of the
 nobility as a traditionally and legally defined segment of modern society.

Specific Issues Raised Within Title Succession Cases

565 Succession cases were most often argued and adjudicated on the inter-
 428 pretation of points of law. It is perhaps ironic that the most potentially customary
 671 of legal issues — succession to chiefly titles — was the jurisdiction of English
 695 judges in Land Court or as advisors in Privy Council. Faced with a number
 [698] of cases arising from legally irregular appointments by Tupou I at the time of
 the formation of the nobility, the first Land Court Judge (J. Scott) established
 the practice of not considering any arguments about conditions before the
 giving of the Constitution (in the era of tradition and custom). Instead, the
 succession law must apply to those lines appointed and gazetted at the time
 of original appointment of hereditary title-holders regardless of previous
 succession conditions. Furthermore, succession was contingent solely upon the
 rules of descent defined by the law and not upon appointment by the monarch.
 The latter was superfluous given a clearly defined law of succession. These
 views remained the virtual doctrine of successive Land Court Judges in the
 consideration of later title disputes. The Privy Council on appeal from Land
 Court decisions was remarkably consistent over the years in upholding the
 decisions of Land Court judges, but since most of the Privy Council appeal
 deliberations were not published, it is not known whether it based its decisions
 on the same or different arguments than those made by the lower court. None-
 theless, there was a definite bias in the adjudication of title cases against
 consideration of substantive issues of custom (or politics) if at all possible
 and for the resolution of disputes on legal points alone.

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Consequently, the two main issues on which the cases were adjudicated were the question of the claimant's or defendant's legitimacy and the question of whether a claim could be heard after a certain lapse of time, based on a statute concerning "limitation of action". The following densely worded statute was introduced in 1927 in order to control what then appeared would be perpetual, repetitive, and embarrassing disputes over chiefly titles (Clause 148, Land Act, Chapter 63, *Law of Tonga*, 1967):

148. No person shall bring in the Court any action but within ten years after the time at which the right to bring such action shall have first accrued to some person through whom he claims, or if such right shall not have accrued to any person through whom he claims then within ten years next after the time at which the right to bring such action shall have first accrued to the person bringing the same.

This clause went through some complicated amendments and arguments concerning, for example, whether a potential plaintiff's right to claim commenced with the death of the last title-holder or with claimant's twenty-first birthday (the legal age of succession). At any rate, the question of limitation of action was the point on which a number of cases were decided and barred before arriving at the consideration of substantive issues.

The question of legitimacy was the issue on which the outcomes of a number of cases hinged. The superimposition of the institution of Christian marriage on the diverse forms of unions by which children were produced both in pre- and post-Constitutional Tonga made the determination of legitimate birth highly problematic, especially for purposes of succession to lands and titles. A number of cases were resolved by either demonstrating or failing to demonstrate the illegitimate birth of the plaintiff or defendant, through the presentation of evidence from eyewitnesses of births, church registration records, hearsay, and interpretations of what the equivalent of legitimacy was in the pre-Constitutional period (since in the early cases of the 1920's, some of the disputing parties had been born before the giving of the Constitution).

One might wonder how any succession cases could arise at all given the precise provisions of the succession law. What complicated matters in fact, beside the above habitual uncertainties about legitimacy, were the frequent failure of a title-holder to produce any legitimate heirs in their direct line and the irregular appointments that had been made by Tupou I and Tupou II under a succession law without legal machinery for its regulation. When the direct line of succession failed to produce an heir, then a successor had to be appointed from a collateral line reckoned from the parental generation or even further back. It can be seen that once the search for an heir extended beyond the direct line of succession, appointed at the time of the formation of the nobility, the potential number of claimants and potential diversity of ties from past generations

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565 through which one could claim would multiply. Also, in such diversity, the
428 problems of proving claims and counter-claims of legitimacy would become more difficult.

565 More significant were the irregularities in appointments by Tupou I and
428 Tupou II. Certain nobles appointed by Tupou II had been younger brothers
643 of the deceased previous holders, even though there were surviving male heirs
429 in their minority from the direct line appointed by Tupou I. In the case of the
Kaila'a title, the present holder's paternal uncle held the title from the time of
Tupou II, but did not give it up when the direct male heir came of age.
Presumably, he felt that as younger brother, he was not merely a trustee but
had been appointed in the traditional kava ceremony as the permanent holder
of the title. Whatever was Tupou's intent, the present Kaila'a and heir in direct
line from the Constitution had no difficulty in winning the title from his uncle
in the newly-established Land Court.

Trusteeship was a vaguely understood measure before the 1920's and
conflicted with the traditional conception of younger brother succession as
legitimate if the King chose to appoint in this way. Early cases like that of
Kaila'a demonstrated that with the existence of a male heir in the direct line,
past appointments of younger brother successors could only be considered
trusteeships under the present law, whatever the intent of earlier monarchs
might have been.

565 The irregular appointments of Tupou I were much more troublesome.
428 Members from senior lines associated with a title either at the time of the
[643] formation of the nobility or in past generations could have no further claim to
the title, once Tupou I chose someone from a relatively junior line to hold the
title within the nobility of the new order. Although members of excluded lines
could claim informal chiefly status, they had no acceptable arguments with
which to initiate litigation.

[643] There were, however, at least six lines originally appointed to noble titles
by Tupou I which either had no apparent previous connections by patrilineal
descent with the lineage groups that had been associated with these titles in the
pre-Constitutional period or the patrilineal linkage of which was thought to
exist but was obscure (including the Vakalā, Mana'ia and Ivilahi titles which
I investigated). Such irregular appointments were too blatant not to have
surfaced in the form of succession disputes, at least in some of the cases.
565 Disputes concerning two of the anomalous appointments, Vakalā and Mana'ia.
428 were the first cases heard by the Land Court. Not only was the Vakalā succession
671 dispute one of the few to break through argumentation on the basis of points
695 of law to a substantive consideration of customary practice, but in doing so, it
raised a much broader issue about alternative ways in which Tupou I's handling
of custom in the formation of the nobility could be interpreted.

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The custom, which was an underlying issue in the first Vakalā case, eventually came to be explicitly argued in a number of later cases, and was finally codified in the 1953 Constitutional amendment (to Clause 111 on succession), concerned traditional adoption practices among chiefly kin groups. Adoption is the only example of the codification of custom in Tongan law. Codification occurred as a direct result of the continued appearance of an adoption issue in succession disputes. Adoption was and is a major feature of, not only Tongan, but Polynesian social organization in general. It is not

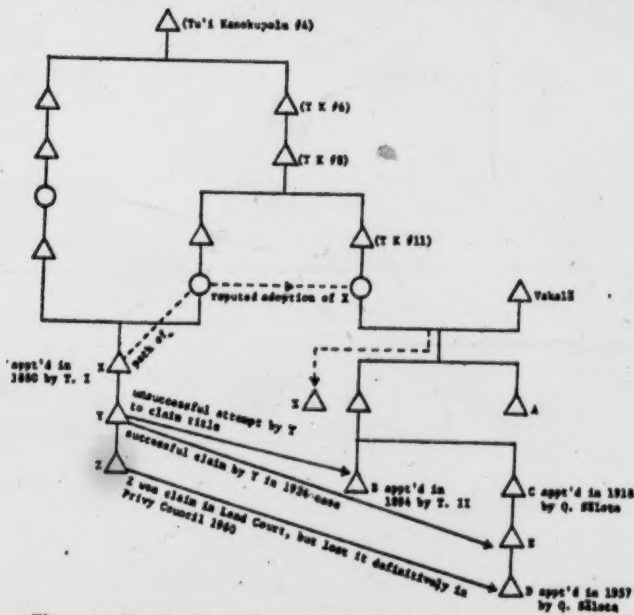


Figure 1—Genealogical background of the Vakalā succession disputes.

intended to discuss adoption as such here, other than to trace how it developed as an issue in the title succession cases and finally to evaluate its significance for the Vakalā case. The facts of the Vakalā case are summarized below.

In his 1880 appointments, Tupou I not only elevated the status of the *maupule* title Vakalā to the level of nobility; he also appointed a man, X, to the title who had gained renown as a warrior (*to'a*) and leader in support of Tupou I during his brief wars of unification, but who in retrospect had no blood connection with the previous descent line of Vakalā (see Fig. 1). Presumably, X's successors were to be the permanent line holding the Vakalā

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428 title and estates. X died in 1887, leaving a single male heir, Y, who was a minor at the time. On X's death, Tupou I appointed a person from the pre-Constitutional descent line of Vakalā, A, apparently ignoring X's heir, Y. A died in 1894, and Tupou II again appointed a successor B, from the original descent line. B died in 1918 without issue, and Queen Sālote appointed another successor, C, in the original descent line. In the meantime, Y had matured and had tried to make a claim to Privy Council against B for the title that was held by his father in the original appointments. Y failed in this early attempt: it was apparently not known by Tupou II or the indigenous lawyers involved in the claim exactly what X's original connection to the Vakalā title was, but it was clear that A, B, and C were in the original pre-Constitutional descent line of Vakalā. In denying Y's claim, Tupou II presumed (without evidence) that Tupou I's intent in appointing X was that he should be a temporary trustee for a proper heir in the original line of descent.

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428 With the establishment of a Land Court, Y formally placed his claim for the Vakalā title and estates (against the holder C) before it. Given the bias of the judge to give priority consideration to the published list of Tupou I's original appointees, Y, as son of the post-Constitutional, original appointee, won his claim in 1924, and both title and estates were to be transferred from C to Y.¹¹

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428 Queen Sālote objected to this decision because she apparently knew or had learned that X had reputedly been the adopted child of the Vakalā before the Constitution. The mother of X was a classificatory sister of an earlier Vakalā's wife, and it was presumed that, as was common practice in former times, X was given in adoption ('*ohi*') by his mother to her classificatory sister (the mother of Vakalā children), before the latter had children of her own. The child adopted matrilineally was considered a member of his adopting father's descent group, and as occasionally occurred, he assumed the title of that descent group, and its responsibilities, not only because he was the eldest male child, but also because it was sometimes the will of the descent group members that an adopted child should be the title-holder. However, a male child of the adopted title-holder would not succeed to his father's title. Instead, on the death of an adopted holder, the title would return to a successor in the original blood patriline. According to this view, Tupou I appointed X to the nobility because he happened to be the traditional holder of the Vakalā title at the time. Consequently after X's death, Tupou I appointed a successor in the original descent line in accordance with the customary procedures regarding the permanent status of children matrilineally adopted into patrilineal different from their patrilineal of origin.

[696] ¹¹ Actually, all income from the estates of Vakalā was transferred immediately to Y on Privy Council confirmation of the decision of Land Court in 1927, but C, aged and blind at the time, was permitted to formally hold the title until he died (in the early 1940's).

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Two points must be noted about this explanation of the anomaly in the Vakalā succession. First, I know of no genealogical or other type of concrete evidence that X was in fact the adopted child of an earlier Vakalā. Rather this explanation seems to have been a deduction based on the existence of a matrilineal linkage which in fact was a common path of adoption in former times, but in itself does not constitute proof of adoption. Second, the post-Constitutional view as to the customary practice regarding adoption is *post facto* and is in part, as will be seen, a result of the use of adoption as an argument in succession case litigation. That is, beliefs about chiefly adoption practice became crystallized and eventually codified through litigation itself. Whether or not titles were held by single individuals (rather than used interchangeably among, for example, a set of siblings) in pre-Constitutional times or whether or not adopted holders always relinquished title honour to successors in the original patri-descent line are ambiguous issues. The significance of these issues was diminished by the fact that in post-Constitutional Tonga, titles are held by discrete individuals and there is a strong preference for maintaining titles within traditional descent lines, not only to ensure the legitimacy and continuity of the new order in terms of the old, but also it is believed that this preference had the force of law in pre-Tupou Tonga.

For whatever reason, the Privy Council upheld on appeal the decision of the Land Court Judge over Queen Sālote's objection, and Y's possession of the Vakalā title and estates was confirmed in 1927. The adoption issue had not been raised in court, since the initial Vakalā dispute was decided purely on the basis of the holder appointed by Tupou I in 1880. However, in 1945, a clever Tongan lawyer, defending the title-holder Puakafo'ou (an hereditary *matipule* title) against a claimant, openly raised the adoption issue for the first time. The claimant argued that Tupou I had switched the title from his descent line to that of the defendant because he had been annoyed by the then title-holder's performance of his duties. Thus, the title, it was argued, should be returned to the original descent line. The defence lawyer demonstrated that the claimant in fact reckoned descent from an adopted holder of the title and that Tupou I in returning the title to the defendant's descent line was not punishing the claimant's line, but was instead adhering to a well-established Tongan custom of returning a title to the original descent line on the death of an adopted holder. Supported by the opinion of the Assessor advising the Land Court, the defence attorney's version of customary adoption practice was considered and accepted by the Land Court Judge (J. Richardson) in dismissing the plaintiff's claim. This decision was in turn upheld in Privy Council on appeal.

Thus, this customary practice, underlying the previous Vakalā and Ivalahi cases, finally surfaced in litigation, and on the basis of the 1945 Puakafo'ou case, became the precedent, unsupported by any legislation, for succeeding cases.

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565 Like the issue of legitimacy, the issue of adoption came to be viewed by Tongan
 428 lawyers specializing in succession cases as an effective strategy in asserting
 597 claims or counterclaims concerning disputed titles about which there had been
 695 some anomaly in appointment.

565 Finally, a Constitutional amendment on adoption was passed by the
 428 Legislative Assembly in 1953 (the amendment was introduced from within the
 597 executive). The amendment incorporated a view as to what customary practice
 671 was regarding adoption in line with the version argued in the 1945 Puakafo'ou
 case. The amendment to Clause 111 of the Constitution on succession is as
 follows:

Whereas by Tongan custom provision has always been made that an adopted child might succeed to the estates and titles of his adoptive father now therefore it is decreed that upon the death of the holder of an estate or title who has inherited such estate or title by virtue of his blood descent from such an adopted child the estate and title shall revert to the descendant by blood of the original holder of the estate and title in accordance with the provisions of this clause and should there be alive no such descendant by blood the provisions of the one hundred and twelfth cause shall apply. (Added by Act No. 15 of 1953.).

[695] This amendment was obviously designed to exclude any lines, descending from reputedly adopted holders, from claiming or holding titles in the future as well as to diminish the increasing and ambiguous use of an adoption argument to characterize genealogical obscurities and anomalies in succession disputes.

565 The winner of the Vakalā title in the 1920's, Y, died in 1954, and after
 428 an unusual delay of three years, in 1957, Queen Sālote appointed D from the
 [643] original descent line to the Vakalā title. This appointment was contrary to the
 565 expectations of the people of Vakalā's estate of Motu, who thought that Z, the
 428 eldest son of Y, would succeed. Employing the same attorney whom his father
 695 used in the 1923 case and who was a pioneer in the litigation of title disputes,
 Z challenged the appointment of D. Following the strict policy of most previous
 [643] judges in giving first priority to the lines appointed by Tupou I (in the case of
 Vakalā, X's line) and accepting an argument that an application of the 1953
 amendment in Z's case would be retroactive (and thus void), the Land Court
 Judge (D. Hunter) reversed the Queen's appointment (as had J. Scott in the
 1923 case) and decided that the title and estates of Vakalā should be given to
 [643] Z. In an important 1960 appeal decision of Privy Council (in which the present
 King, as Premier, participated), the lower court decision was overturned, the
 retroactive application argument was rejected, and the Queen's appointment of
 D was upheld. D is the present holder of the Vakalā title and estates.

[671] The then Chief Justice of Tongan Courts, although resident in Fiji, attended and advised Privy Council deliberations. He wrote a remarkable,

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detailed brief supporting the Privy Council's decision, in which he argued away the retroactive application objection, but more significantly reversed the policy of previous Land Court Judges by stating (Hunter, 1963, p. 184):

In our opinion therefore the term "the original holder of the estate and title" does not refer to the person appointed to hold the title at the time of the granting of the Constitution and the creation of Nobles at that time by H. M. King George I. It means the original holder of the title in the far distant past — long before the Grant of the Constitution in 1875 — from whom a claimant now must trace his descent before he can succeed to the title.

The Vakalā case was the last succession dispute to be fully litigated and ironically was the only one to be adjudicated on the basis of the 1953 amendment, which explicitly defined a customary issue that had underlain, but had not surfaced, in the original Vakalā case. The extreme view of the above Chief Justice that the 1953 amendment opened all potential cases for succession to the consideration of pre-Constitutional conditions was modified and reinterpreted in a 1965 brief to the King by the Secretary to Government (an indigenous attorney trained abroad), which concerned one of the vacant titles. It was held that only in terms of the now legally defined issue of adoption could pre-Constitutional succession be considered; otherwise, in all cases, the lines appointed at the Constitution must remain the standard of adjudication. The history of the Vakalā cases embodies an interesting process within Tongan law where an underlying customary issue (in the first Vakalā case) finally surfaced (in the 1945 case); was codified (in the 1953 amendment); was applied in law (in the second Vakalā case) and interpreted in terms of its extreme implications (which would have opened the entire pre-Constitutional era of custom and tradition to court litigation); and was finally contained and reintegrated within the bias toward excluding questions of custom from the legal codes through which Tongan society had been transformed.

The broader historical issue underlying the Vakalā case and the definition of customary adoption, evolved through the succession disputes, concerns the traditional legitimacy, not only of the nobility, but of the present dynasty itself. With regard to Tupou I's anomalous appointments, the codification of the customary adoption practice suggests that Tupou I was scrupulous in observing traditional practices, not only in his establishment of the nobility, but by extension, in terms of the entire transformation that he brought about.

The alternative version is that, for example, argued by the claimant in the 1945 Puakafo'ou case. Tupou appointed those to titles whom he personally favoured or those who had been his major supporters, regardless of whether or not these individuals were the most appropriate successors within the descent lines associated with these titles in the pre-Constitutional period. Furthermore,

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671 in the Vakalā case, a contemporary widely held opinion¹³ concerning X is that
 643 he was given the title by Tupou I because of his support and reputation as a
 565 regional leader and warrior (*to'a*). Whether X was in fact an adopted child
 428 or not (and there is certainly a case that can be made for either view) is
 661 irrelevant to many people. Adoption may have been the legal issue on which
 [597] the dispute was determined, but the true reason why X was appointed to the
 Vakalā title was because he was important in Tupou I's unification of the
 traditional polity.

643 Thus, the nobility could be viewed as a traditionally legitimate continuity
 565 with the pre-Constitutional title-holding lines or it can be viewed as the creation
 661 of Tupou I of a clique of warrior upstarts through whose support the new order
 428 was established. By implication, Tupou I can be seen as a reformer, who
 carefully respected custom by appointing those to titles who were already holding
 them within their chiefly kin groups or he can be seen as an upstart reformer,
 who manipulated or even ignored customary practices in achieving his ends.
 The truth probably lay somewhere in between and perhaps closer to the former
 565 view. At any rate, in most instances, the noble title-holders were both the
 428 most legitimate customary holders at the time of appointment as well as being
 the strongest leaders. It is only the cases of anomalous appointment that are
 [643] strikingly ambiguous and subject to distinct alternative versions as to the
 intentions of Tupou I and the character of the new nobility in general.

643 Of course the authoritative and favoured view, underlying the evolution of
 565 adoption as a point of law, is that Tupou I appointed his noble title-holders
 428 first and foremost according to customary procedures. That is, the strength of
 671 the appointees as supporters was always secondary to the customary appropriateness
 597 of their appointments. Irregular appointments, as in the case of Puakafo'ou
 661 and Vakalā, could be explained by customary practice, according to this view.
 X as Vakalā might have been selected for inclusion within the new nobility as
 well as having been promoted from *matāpule* to noble status as a reward for his
 support, but it remains that X's association with the Vakalā title itself is a
 result of his association by adoption with the Vakalā patriline, and not because
 Tupou I seized the titles in some lines and distributed them at his own pleasure,
 regardless of the wishes of the descent groups involved. The fact that Tupou I

[124] ¹³ "I lived among the people of Vakalā's estate, Motu, with whom I discussed the Vakalā
 [555] succession disputes. A frequent explanation that I heard was that although the Vakalā
 title had traditionally belonged to the line A-D, it was given by Tupou to X as a *pale*
 ('reward') for his support. This view assumes that *to'a* ('warrior abilities') was sometimes
 more important than *'eiki* ('chiefdom') at the time of the transformation, and warrior
 achievement was sometimes rewarded by *'eiki*-style rewards as in the Vakalā case. It was
 generally considered just that the Vakalā title should have been returned to its proper
 descent line, but there was also a sense of pity expressed for the line of X which eventually
 lost any formal recognition of its own heritage of *to'a* achievements, by being granted a
 title and estates in 1880 that were not his own. X earned noble status for the Vakalā
 title in the new order, and eventually the original descent line A-D reconquered this glory,
 earned for it by X.

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himself returned to the original descent line for a successor after X died and that power was in effect still too dispersed and independent at the time for him to have treated the chiefly groups so cavalierly strongly support the authoritative version. Alternatively, however, it may be argued that Tupou I appointed whomever was most powerful in the generation of his transformation and that only after anomalous initial appointees died and his rule as a new monarch was more secure, did he return to more traditionally appropriate appointments.

It is sufficient to leave the alternative interpretations of the place of Tupou I and his nobility in Tonga's transformation moot, having demonstrated the historical ambiguity concerning the nobility, directly raised by the succession disputes. Those holding the authoritative opinion and interested in the traditional legitimacy and continuity of the present dynasty are indeed conscious of and sensitive to the alternative view that Tupou and his nobility were upstarts, manifested in one form through the succession cases. The authoritative version presupposes, perhaps rightly, that those who hold this alternative view are ignorant of old chiefly Tongan custom to which Tupou adhered strictly. Regardless, the history of the Vakala cases and the codification of a believed-in view of traditional adoption serve as a paradigm and expression of this fundamental issue in Tongan historical consciousness.

TO BE CONTINUED.

[pp. 242-283 not processed]

Arnhem Land Music, Oceania Monographs No. 9, which has been out of print for some time, has now been produced by xerographic process by University Microfilms Limited, and is obtainable from University Microfilms Limited, St. John's Road, Tylers Green, High Wycombe, Buckinghamshire, England at a cost of £7.50 (softbound) or £8.75 for a library binding. (These prices should be confirmed by writing to University Microfilms before placing firm orders).

SUCCESSION DISPUTES AND THE POSITION OF THE NOBILITY IN MODERN TONGA

By GEORGE E. MARCUS

(Continued from Volume 47 No. 3 March 1977)

GENERAL ISSUES RAISED BY TITLE SUCCESSION CASES

565 The backgrounds of the succession cases raise important issues concerning
643 the modern nobility under three main categories: the relationship of the monarch
to law and legal process; relationships within noble kin groups; and the overall
status of the nobility in contemporary society.

643 (1) *The Monarch and Legal Process*

565 In 1926, Queen Sālote wrote a long letter to Privy Council complaining of
692 the Land Court's right to hear cases concerning hereditary title succession.
Contrary to the Land Court Judge's opinion, the Queen felt that it was the
monarch's appointment in the context of the succession law that was primary,
428 far from being superfluous. She objected to the legal classification of succession
[554] to positions of 'eiki honour as matters of succession to land, recognizing the
tarnishing effect of this on the aura of chiefly prestige, a factor which was
important to her in the survival of a chiefly tradition. In addition, she specifically
focused on the Land Court's decision in the first Vakalā case (reversing the
Queen's appointment of C in favor of Y) in raising her objection.

643 In her letter, Queen Sālote suggested the establishment of a special "Court
or Committee of Privileges" to hear title disputes. This suggestion was not
565 extraordinary even in the context of Tonga's early modernization. After all, the
692 English monarchy, on which Tonga's was partially modelled, provides for the
special adjudication of titles of honour. Queen Sālote's suggestion can be seen
428 both in the context of further emulating a western practice regarding monarchical
systems and of separating the concept of chiefly honour and privilege from mere
177 legal land-holding (which is the same privilege granted commoners) in the
554 interests of preserving the traditional status of Tongan chiefs. For whatever
reason, Queen Sālote's objection did not succeed, and the Land Court continued
643 to have the power to review, and if necessary, reverse the monarch's appointments
565 of hereditary title-holders.

428 Queen Sālote (and her Prince Consort, Tungi) apparently accepted this
[692] situation, respecting the application of the succession law as adjudicated through
the Land Court. I have no evidence of any background interference or intrigue
[661] by the monarch, during the reign of Queen Sālote, in an attempt to influence
the outcome of succession cases. Rather, when a more legitimate or favoured

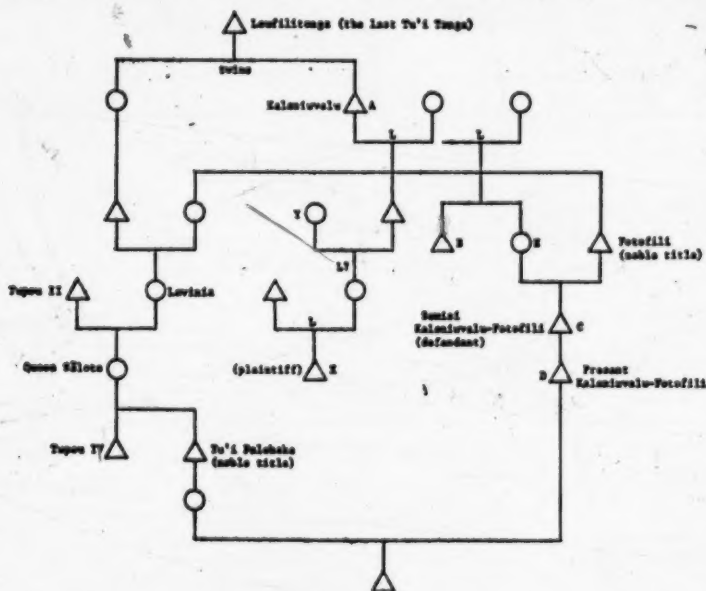
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holding line lost a title in a succession dispute (as in the Vakalā case), the Queen continued informally to extend her favour to the losing line in preference to the winning line, as if the former continued to be the true chiefly line despite its loss. Alternatively, when a succession case outcome installed a line of lower 'eiki status than the outgoing, former holding line, the Queen might have attempted to arrange or suggest marriages for the new line which would improve its chiefly status.

Thus, the apparent strategy of the monarch was informally to offset when possible the decisions of the legal process on title succession rather than to tamper with the cases themselves. It is important to realize that all but one of the cases involved gentry rather than aristocratically held titles, and as such, the cases did not seriously interfere with Royal planning or possible marriage strategies within the highest levels of the modern chiefly system. The one exception is that of Kalaniūvalu and it deserves some discussion because of the importance of this title line in the Royal Family's genealogy.

Figure 2 illustrates the major connections between the dynastic line and Kalaniūvalu. It will be recalled from an earlier section that Tupou I had selected



L = legitimate

Figure 2—Genealogical background of the Kalaniūvalu succession dispute.

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[581] Kalaniuvalu as the representative of the Tu'i Tonga line among the modern nobility. Tupou II's marriage to Lavinia resulted in the assimilation of the Kalaniuvalu line as a channel of Tu'i Tonga descent into the Tupou dynastic line: not only was Lavinia's father's mother the twin sister of the original Kalaniuvalu but by design or circumstance, Lavinia's mother's brother's son, C, had become, not only Fotofili, a noble title, but also Kalaniuvalu (B, successor to A, had no legitimate heirs so that the Kalaniuvalu title descended through his sister, E). The kin of Queen Sālote on her mother's side (the Fotofili/Kalanuvalu connections) were favoured during her reign, and the children of Fotofili have been crucial in aristocratic marriage arrangements since the reign of Tupou II. For example, the present Kalaniuvalu-Fotofili recently married the King's brother's eldest daughter, and their first male child is considered by many to be the highest ranking blood aristocrat in Tonga.

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[661]
[554] Now, these arrangements might have been upset, at least regarding the holding of titles, had X (see Fig. 2) won his 1945 claim to the Kalaniuvalu title against C, the then holder. X, born long after B's appointment to the title, was nonetheless the descendant of a legitimate eldest male child of the original Kalaniuvalu. It is not clear why Kalaniuvalu's eldest legitimate male child did not succeed; perhaps he did not survive the original Kalaniuvalu himself. The most renowned Tongan lawyers, experienced in the litigation of title cases, defended C against X, the plaintiff, who was a minor, but whose mother's mother, Y, was the main impetus behind his claim. In a remarkable courtroom battle, the defence lawyers convinced the Land Court Judge that although married, Y had given birth to X's mother illegitimately, thus disqualifying X from any claim to the Kalaniuvalu title.

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661 Although it was clear that the Queen favoured C and had a more personal vested interest in this case, there is no evidence that the monarch intervened, other than to suggest to Kalaniuvalu (C) or perhaps to arrange that the most skillful lawyers should collaborate in his defence. The case itself was resolved on the commonly contested issue of legitimacy. Thus, even in the one case of a disputed aristocratic title, the monarch declined to tamper with the legal process of adjudication.

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428 By the 1950's, the Crown Prince as Premier was increasingly in control of affairs of government (his father Tungi had died in 1942). He apparently was more sensitive than his mother to the capacity of the legal process to check the monarch's appointments of hereditary titles. His presence in Privy Council in the 1960 appeal decision concerning the second Vakalā case was at least partially responsible for the reversal of the fairly consistent previous trend of Privy Council confirmations of Land Court decisions. Since 1960, and his succession to the throne in 1965, there have been no major title disputes adjudicated. One can only speculate that the King is following a sophisticated

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strategy of considering all arguments and making careful investigations before appointing successors to titles. Rather than trying to modify the legal process in minimizing the occurrence of succession cases, the King apparently has attempted to make formal litigation superfluous. With formal legal qualifications, the King is capable of accurately evaluating the possible legal consequences of his appointments. In sum, the unrestrained prerogative of the monarch in appointing noble titles, lost by Queen Sālote in the 1920's, has been partially recovered through the apparent, sophisticated strategy of appointment by her son and successor, Tupou IV.

Relationships Within Noble Kin Groups

If the ideals of 'ofa ("love", "empathy" — See Kavaliku, 1961) and kinship amity within Tongan kin groups are as strong in practice as they are ideologically, one might wonder why questions of succession ever surfaced to public view in the form of court litigation, rather than being resolved by some informal process of dispute resolution within the kin group concerned. One answer which deserves serious consideration is that litigation was not motivated by the claimants at all in most cases, but by the few Tongan lawyers who pioneered and specialized in arguing for or against succession claims.

The indigenous lawyers form an interesting sub-group in Tongan society, numbering between 20 and 30, and typify the most successful and achievement-oriented commoners in the decades before 1960, when few Tongans had yet been abroad for training, other than secondary education.¹⁸ The typical Tongan lawyer before the 1960's had come from a village community, usually excelled in a church or government school and/or in government service, and had passed, through self-study, a local examination given by the European Chief Justice, which qualified him to practise law. Often, the indigenous attorneys farmed their tax allotments as all other Tongans ideally did, as well as practised law. Typically, they could look forward to short or long term participation by election in the Legislative Assembly.

As the only western-styled politicians in a society with no political parties or grass-roots feeling for individual articulation of political opinion, the Tongan lawyers occupy an important position in Tongan social organization. On one hand, they court the favour of the monarch and office-holding aristocrats in order to ensure continued success in their profession, and as such they have often served as brokers or middle-men between the monarch and the mass of the population with reference to the interpretation and explanation of government and legal matters. On the other hand, the lawyers as advocates in the legal

¹⁸ There are still very few overseas trained Tongan lawyers, and none in private practice in Tonga. The three overseas qualified lawyers in Tonga are within the government (the King, the Secretary to Government, and the Crown solicitor — there are also an expatriate Crown Prosecutor and Chief Justice). Although a number of Tongans are in legal training abroad, few will apparently complete their studies, and of this number, it is uncertain how many will return to Tonga to practice.

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571 process have on occasion been in a position to challenge (if ever so tactfully)
[565] the privileges of the monarch and nobles. As a group, they typify a western-
[643] styled sense of individual enterprise that has developed along with the legal
and other institutions of the compromise culture.

693 The formation of the Land Court was seen perhaps as a new source of
legal enterprise by the lawyers. The development of succession claims by
691 lawyers might be seen in addition as an indirect challenge to the monarch (in
[565] her privilege to appoint titles) and to the nobles. The underlying message of the
[643] early cases was that the noble title-holding lines were not necessarily the most
exclusive and legitimate chiefly segment of the population, but that there were
693 among the commoners those who had as good, if not better, chiefly claims
565 according to the law than the holding lines. Never stated so boldly or explicitly,
428 the initial claims developed by lawyers at the time in effect served to blur the
lines of privilege between commoners and mere title-holding (as opposed to
sino'i 'elki) nobility. There was one lawyer in particular who pioneered the
first cases: he argued the first two claims considered by Land Court, that of
Vakalā (he was also the attorney for the claimant in the later case) and that
of Manal'a, in which he argued (unsuccessfully) the claim of his own son
who was a minor at the time.

693 Eventually, four lawyers in particular became noted for their skill in
691 handling succession cases. It must be understood that these lawyers as often
565 served the defendant as the plaintiff in title disputes, the litigation of which
428 was very lucrative in attorney fees. It is not surprising then that a number of
[694] cases were independently researched (in terms of genealogies) by the lawyers,
who in turn approached a sometimes unaware or indifferent potential claimant
and persuaded him to place a formal claim. I was frequently told that the
lawyers rather than the claimants concerned were primarily responsible for
succession case litigation.

I investigated the backgrounds of three cases where the lawyer was very
likely the main impetus for claims being pressed, and I analyzed a number
of the other cases where at least the genealogical knowledge underlying the
claim as well as the direct strategy of argument originated with the plaintiff's
[602] lawyer rather than the plaintiff himself. The fact that an ideology of kinship
[578] amity and 'ofa normally tends to suppress the direct expression of conflict within
kin groups,¹⁴ and that the outcome of a succession dispute only occasionally

[627] ¹⁴Unless intoxicated, kinsmen in dispute usually avoid each other indefinitely or
else consult some relative to mediate a resolution of the dispute, usually through one
party asking the forgiveness of the other (called *jakamolemo*, literally 'to make smooth'),
rather than precipitate a confrontation. In this sense, court litigation is clearly not a
surrogate for third-party dispute resolution within the kin group, where the concept of an
adversary has no place. Rather, court litigation is a forum for direct confrontation
between two opposing claims, contrasted in the western adversary style of legal presentation
and adjudication of a dispute.

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565 with mutual connections in the same patriline, but their connecting genealogical
 428 linkage is either matrilineal or so distant in the past that the sense of ongoing
 613 patrilineal linkage between them is weak (for example, the Manai'a and
 602 Kalaniuvalu cases); and (3) there are those cases which involve individuals who
 691 are of the same patriline, connected by close, relatively recent genealogical
 linkage, and who frequently interact, but are probably not mutually involved in
 a family estate, consisting of a set of kinsmen among whom resources are
 effectively shared (for example, the Kaila'i case).

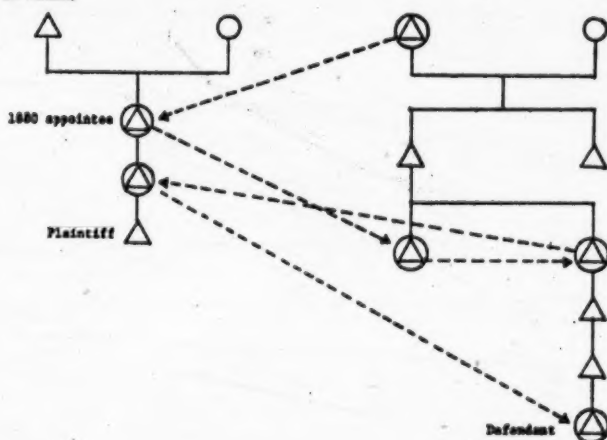
(1) As evidenced by the Vakalā cases, distinct faction formation
 accompanies succession litigation, undertaken with little need for independent
 565 encouragement by attorneys. Although the lines of X and the original Vakalā
 428 descent group were reputedly linked in the pre-Constitutional era by an adoption
 613 tie, since the Constitution, the descendants of X and the line of A-D have
 602 considered themselves unrelated. Consequently, the stakes of competition for the
 title have been high, especially for the descendants of X, who were so clearly
 unfavoured by the monarch. The early victory of Y gave him, and to some
 extent his kin group, at least the entitled respects of formal noble status as
 well as the Vakalā estates. The unsuccessful claim by his son Z deprived the
 565 latter and his family group of these advantages. By the time of Z's litigation,
 428 the blood of the X line was generally considered very low. That is, successive
 613 title-holders (X and Y) had married women of no chiefly status and had in turn
 602 produced heirs of relatively little chiefly status (like Z). On the other hand, the
 554 successors in the original descent line had made relatively good chiefly marriages,
 [58] and the mother of the present holder was an aristocrat. D himself had married
 down (twice) to women of no chiefly consequence. At the time of the 1957-1960
 case, Z, urged on by his kin supporters, as the representative of a regional Vava'u
 line once rewarded for its warrior courage, but now without reputation, chiefly
 respectability, or kingly favour, challenged D, who had been raised among and
 mainly associated with his aristocratic mother's kinsmen, resident in and near
 565 the court and capital. The outcomes of litigation would either totally exclude
 428 the challenging line of X from chiefly status or alternatively would incorporate
 613 them within the sphere of formal noble status. The Vakalā cases demonstrate
 602 how important the chiefly status derived through females (i.e., D's maternal
 554 connections) can be in defining the scene for and ultimately influencing the
 [69] litigation which is based on a law that does not formally recognize one's
 matrilineally determined chiefly status (see footnote 8).[^]

Perhaps the most dramatic and bitter in occurrence, the Vakalā cases are
 a paradigm for disputes where kin relatedness is minimal. The Ivilahi case is
 similar in origin to that of Vakalā, but different in outcome: the present holder
 derives from a line not originally associated with the Ivilahi title in the pre-
 [69] Constitutional era. Although in the correct genealogical position to claim the
 title in 1937, the present holder did not appear to have the initiative or
 [Set Category 565, p. 227--Analyst.][^]

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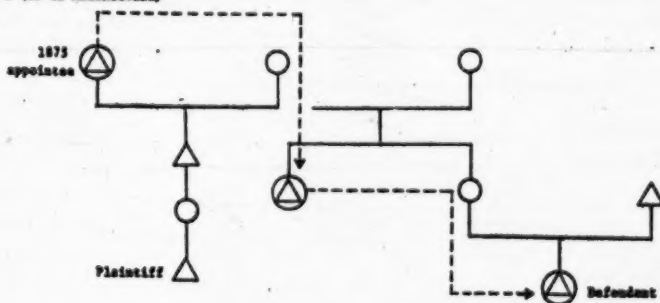
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1 (as in Vohale)

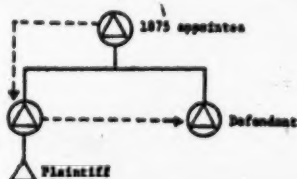


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2 (as in Kalaniuvulu)



3 (as in Kaila'E)



Path of title-holders since
original appointments

Figure 3—Schematic examples of degrees of kin relationship between contestants in title succession disputes.

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428 genealogical knowledge himself to commence litigation. Rather, a kinsman of
613 his, prominent in the region of origin of the title, developed his case and urged
602 him to claim. He won the claim and title. His competitors, supposedly of the
[691] original descent line, have been unable to attempt to reclaim the title in court
because of the law of limitation of action. Although the sense of kinship
between the contesting parties is very weak, it has been the strategy of the
present title-holding line to claim some generalized kinship linkage with members
of the contesting line, which the latter have chosen not to recognize.

[691] Some of the cases arising from the irregular appointments of Tupou I,
then, constitute one extreme of kin relatedness in succession disputes where the
contesting parties are linked by no or very weak recognized ties of kinship, are
organized into distinct factions, and are highly self-motivated to claim or defend
the title.

565 (2) A number of cases concerned descendant branches of the same
428 patriline, varying in degrees of distance both genealogically and in terms of
613 ongoing social contact. Disputes were most sharply factionalized where either
602 both or one of the contestants determined a claim through a female link. This
611 form of reckoning frequently occurred, since title-holders often failed to produce
legitimate male heirs. For example, at least six present holders derive their
titles through their mothers or father's mothers (e.g., Kalaniuvalu). A dispute
might arise, as in the Kalaniuvalu case, where a line had been bypassed, for
whatever reason, in succession, and a female of this line later had a male child
who could qualify as a "legitimate male heir".

When a plaintiff reckoned his claim through his mother, then, as expected,
he would be supported by his father's people, who would not share directly in
the title honour, but would undoubtedly enjoy partial or complete control over
the title-related resources (the estates). Thus, claims derived through female
links tended to encourage factionalized confrontation, if only because the
interests of a separate patriline, that of the claimant's or defendant's father,
were involved.

Weakly articulated to a concept of patrilineality through a mutually
recognized, generations-old tie, succession dispute factions were composed of
discrete family units, in turn comprising individuals who would be close enough
to the claimant or defendant (in terms of genealogy and/or ongoing social
interactions and exchanges) to share effectively in his honour or resources
565 should he hold the title. The presumed effectiveness of traditional ideologies
428 of kinship amity and rank in subduing or mediating competition and status
613 rivalry among an inclusive category of mutually recognized kin is manifestly
602 limited in such succession disputes. Rather, family units of greatly varying
fortunes within the chiefly patriline confront each other in court for a prize of
honour and wealth that is allocated by law to an individual rather than diffused
among a network of kinsmen associated with the title.

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Sometimes, cases in this category were clearly stimulated by lawyers who actively located claimants, but more often, they were independently initiated by the competing family factions themselves, although lawyers were often instrumental in researching genealogies and developing legal arguments.

The stakes in cases of this category are not as high as those in the first category: having lost their formal claims, plaintiffs can still continue to press informally their chiefly status with salience. After all, there is often a clear linkage to the title-holding line, even if the claim fails. The Mana'ia case is one in which the losing claimant has continued to be respected by the people on the estates of the title as of equal, if not greater, status than the actual title-holder, even though the loser has scrupulously observed formal respect behaviour toward title-holders in the winning line.¹³

Nonetheless, the appearance of public cases is in itself an important indication that chiefly status is no longer effectively shared, however unevenly among a widespread network of kinsmen. Rather, unsatisfied with the prestige of being higher in kinship rank than the title-holder or of being able to "bask in the light" of title honour (which are sources of prestige that are to a considerable extent controlled in allocation by the title-holder himself), a person with a potential legal claim will actively undertake a case. In addition, it is not only a greater share of title or chiefly honour that is at stake, but also control of the potential wealth that is associated with titles in the form of estates.

Significantly in contrast to the succession cases that have been publicly argued (all but one of which concerned gentry titles), a number of cases about which legal claims have been rumoured, but have never been litigated, concern aristocratically held titles. This fact suggests that the fundamental basis of chiefly status within the aristocratic patri-kin group is still the *sino'i 'eiki* criterion, independent of the title and estates associated with it. Being of *sino'i 'eiki* status effectively compensates a potential claimant line for not holding the title or trying to gain it. Under certain conditions, the potential claimant gains more prestige by letting the title with which he was associated be held by a more prestigious blood line. In the case of 'Akau, the present holder

¹³ In the Mana'ia case, the losing claimant is the eldest son of the attorney who pioneered the succession cases. He lives on the main estate of Mana'ia and is revered informally as a chief by the people of the estate. However, this man was well-educated abroad, holds an important bureaucratic post, and exhibits the life-style of a western middle-class commoner elite. His situation is a complex example of how an interest in claiming chiefly status locally (on Mana'ia's estate) is combined with a societal reputation as a commoner who has achieved status through education and government service. The dualism in his social identities partially derives from the blurring of the formal boundaries between noble and commoner in his father's attempt through litigation to transfer to him the Mana'ia title and estates. It is interesting to contrast the situation of the loser in the Mana'ia case with the loser, Z, in the Vakala case. In the former case, the outcome did not negatively influence the loser's future development and social standing (which, as the prominent lawyer's son, did not hinge on winning the title); in the latter case, the failure of Z to win the title was devastating to his social standing, based previously on the prestige of his father's, Y's, position.

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SUCCESSION DISPUTES IN MODERN TONGA

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428 has succeeded to his title through his mother, but he is *sino'i 'eiki* through his father. There is a reputedly more legally appropriate holder among 'Akau's mother's people, who has never pressed his claim. Admittedly, it is ambiguous whether the potential claimant himself saw the advantage of not claiming or whether he was persuaded not to.

In sum, at least among gentry titles, succession cases between extended or distantly related kinsmen reveal that norms of kinship rank and amity have not been effective in suppressing the expression of kin group competition for title honour and resources. This competition had been shaped by the nineteenth-century reforms of Tupou I and the imposition of a strict, individualistic succession law, but had not surfaced in public confrontation until the legal machinery had belatedly appeared to deal with the conflicts generated by the earlier reforms.

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602 (3) One would expect instances of succession disputes within very narrow ranges of kin-relatedness to be rare, and in fact they are. Those that have occurred are a result of the long-term social isolation and lack of ongoing interaction between individuals who are genealogically closely related. For example, the present Kaila'a, as a minor, was raised by his mother's people and only later returned to his father's village to claim his title from his paternal uncle who had been holding the title ambiguously (as trustee or permanent successor) on the appointment of Tupou II. Such cases are rare, not necessarily because the norms of kinship rank and amity operate more efficiently within narrower ranges of relationship, but merely because the probability of ambiguities in the rules of succession and consequently of arguable claims is much less within the direct line or within one degree of collaterality. The individualization of title honour and resources, and the corresponding competition for access to them are expressed within the immediate extended family of the title-holder (i.e., his own full and half siblings as well as his father's full and half siblings), not by succession disputes, but through more subtle competition in assuming chiefly styles and controlling intra-familial decision-making processes, as typically in the case of a young title-holder and his father's brother.

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[596] Thus, the absence of formal succession disputes among close family kin does not indicate the absence of the same roots of competition that are revealed in the second category of disputes. Close kinsmen who might informally compete with a title-holder or claimant for chiefly status and leadership within an extended family or family estate group will certainly support him in a succession dispute with a more distant branch of a mutually recognized patriline or with an altogether unrelated faction. This sort of segmentary opposition by levels of competition or dispute was evident in both the *Ivilahi* and *Vakalā* cases. In both cases, individuals were supported in litigation (as a plaintiff in the *Ivilahi* case and as a defendant in the *Vakalā* case) by kinsmen who otherwise were

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themselves in informal competition with these individuals for the exercise of leadership within the narrow chiefly family and sometimes for control of chiefly authority over the estates associated with the title.

The cases that have occurred within a narrow range of relationship are not characterized by sharp persisting factionalism, but rather by a short-lived confrontation, after which any further competition dissolves into or continues at a more informal, subtle level (publicly articulated only in casual rumour and gossip), within the immediate extended family of the title-holder.

An overall assessment from the three types of cases, based on kin relatedness, is that although the role of the lawyer has been crucial in arguing cases and occasionally in motivating them, the appearance of succession cases is more significantly related to the internal reorganization of chiefly kin groups, generally through the levelling reforms of the nineteenth century (in the creation of discrete, economically self-sufficient nuclear family units and specifically through the structure and implementation of the legal definition of the nobility. Although competition for chiefly status is clearly evident among kin group members, the continuing overt bitterness between the winners and losers is remarkably short-lived after a court confrontation and resolution in all three categories of succession cases.¹⁰

In contrast to this characteristic, apparent forgiveness among parties in dispute over succession to titles and estates is the long persisting open bitterness that follows disputes between two title-holding lines over a piece of land, claimed as part of their respective estates (see Hunter, 1963, for reports of such cases). Perhaps the difference is that there is nothing to be gained and much to be lost by persistently and openly bemoaning a claim to a title that has been lost, but that a loss of a piece of land, traditionally associated with one title, to another title line is a serious affront to the honour of the losing title and can be a considerable drain on the resources of the holding line.

Although a good deal of ill-feeling may persist in a line that has lost a title or claim, it is a disadvantageous strategy to voice it or let it surface. Not only would one be accused of blatantly disrupting peace (*melino*) in the kindred (which is an explicit value in Tongan kinship, and disruption of which is the basis of criticism to which a person is already vulnerable if he has precipitated

¹⁰ Although the Vakals cases were perhaps the bitterest of succession disputes as well as the manifestly longest lived, reoccurring as litigation twice in successive generations, the present relations between the loser, Z, and the title-holder, D, are not at all strained or embarrassed when they meet on social occasions. It is probably true, however, that they avoid each other as much as possible. Likewise, while I was living in Kaila's household, the son of the man whom Kaila's defeated to gain his title came to visit and live within Kaila's home for several weeks. The occurrence of a succession dispute between Kaila's and the visitor's father had no apparent influence on their present relations. In fact, the visitor was quite willing to discuss the succession dispute in the presence of the noble without any sense of embarrassment or bitterness. The conflict was seen in retrospect as an impersonal, ephemeral matter.

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litigation and thus confrontation), but also a loser might be dependent on the good will of the winner of a dispute in order to enjoy residual claims to association with chiefly status or even to share in resources that the title-holder controls.¹⁷ Whatever personal feelings might be, it is advantageous in terms of prestige for both sides to act conciliatory, if not to ignore, their previous confrontation in order to make the whole legal process look as impersonal as possible after the fact. But given the basic importance of the family unit in modern Tonga, the competition for status and resources among family components of a chiefly kindred continues by other, more subtle processes of gossip and situational oneupsmanship. Although court litigation is an embarrassing, ideologically unacceptable aberration of what intra-kin group relations should be, it is still a striking representation of the ongoing competition which is characteristic of modern gentry title-holding kin groups as well as family relations within most commoner kin groups.

The Status of the Nobility in Contemporary Tongan Society

One might assume that the outcomes of specific succession disputes themselves could lower the formal esteem in which some nobles are generally held, but this is not so. An individual who wins a title is given the same formal respects as the previous holder who has lost it, but these are the respects vested in a noble title-holding office, as opposed to a title-holder himself. As mentioned, the Queen offset the outcomes of succession disputes by continuing to favour those whom she considered of the most appropriate holding lines, even if they had lost in litigation. Furthermore, the succession disputes have been almost wholly an affair of the gentry nobility. There was unusually great public interest in the one aristocratic title case, Kalaniuvalu. As it turned out, the aristocratic holding line retained the title. Thus, legally disputed title succession never threatened, except once, to alter the status of an aristocratic title, nor did those, respected for aristocratic connections through marriage or who enjoyed the favour of the monarch, lose such respect or favour if they lost a title.

¹⁷ At the time of the second Vakala case (1957-1960), the Queen's appointee D tried to pressure his opponent Z and his family by threatening to repossess the tax allotments of Z's brother and uncle, which had not yet been formally registered under the law. Z's attorney got an injunction to stop such seizures. After the Privy Council decision against Z, the nastiness that had characterized the relations of the contesting parties must have overtly subsided into some form of mutual conciliation, since the lands held by members of Z's family and threatened with repossession during the dispute are still held by them; their tenure within Z's family group is apparently secure (although the holdings are still not formally and legally registered). Overt acceptance of and submission to D's position was the price paid by Z and his family for continued, untroubled holding of their family lands as ordinary commoners, while such submission was the advantage gained by D in his conciliatory attitude. Given current land scarcity, Z and his brothers are relatively well-off as land-holders in Motu, the estate of Vakala, because they control three tax allotments. This is in contrast to their relatively low social standing in the community: Z in particular is without chiefly status or reputation, has no wife, children, or stable residence, and is generally denigrated for his occasional displays of 'uppity' behaviour.

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Tongans often spoke to me of the succession disputes as being *fakama* ("shameful" or "embarrassing"), but this feeling concerned the public airing of intra-kin group disputes, rather than behaviour specifically unbecoming nobles as such. The implication from such popular response to title cases is that they had become generally conceptualized just as Queen Sālote had apparently feared they would: primarily as disputes among otherwise ordinary people for the possession of chiefly resources in the form of landed wealth and honour embodied in titled office. Perhaps most clearly the succession cases illustrate the disjunction between chiefiness as formally defined, title-vested privilege and chiefiness as an exclusive attribute of either kingly blood descent, kingly favour, or direct descent from pre-Constitutional chiefly lines, vested in individuals. Although aristocratic blood and title honour overlap on one extreme, the outcomes of certain succession cases reveal the completely pedestrian nature of mere title-holding, on the other, where a person, who possesses neither current blood 'eiki-ness nor is in the traditional direct line of succession, has gained access through litigation to a title and enjoys the privileges and respects of a title-holder.

The noble title system is a set of offices with defined privileges that represent a chiefly heritage in support of the Tupou dynasty, which may or may not be all occupied at any point of time by the appropriate traditional title-holding lines. In theory, it is appropriate for anyone, who legally qualifies, to be a noble, however his social standing may have declined in post-1875 Tongan society. Although certainly not open to broad segments of the population, access to the nobility, as has been publicly demonstrated in court, is not all that exclusive either.

Still, despite such demonstrations, the majority of gentry titles are held by lines that have been in continuous possession of them from the pre-Constitutional period. But even within these chiefly kin groups, succession cases reveal the same sorts of striving, competition, and cooperation among discrete family units that are also the social processes within all other, presumably commoner, kin groups in modern Tonga. The chiefly kin groups differ only in that they can compete for or share in specially defined resources (title-office and associated estates) from which others are excluded. In the modern context, noble title-holding only rarely entails active leadership of groups of people. Outside leadership in ritual or ceremonial contexts, the regional and local chiefs have been supplanted by a bureaucratic state and church organization. Thus, possessing a noble title and estates is a matter of enjoying a personal (and to some extent family kin group) resource rather than accepting administrative responsibilities.

What succession disputes have revealed most broadly, then, is that the defined sector of privilege in the new order — the nobility — has been ringed on all sides and thoroughly infiltrated by the socially levelling and individualizing

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602 to her male siblings, in matters pertaining to leadership
593 and inheritance, males generally take precedence. Accord-
554 ingly, the head of the household is generally the oldest
562 male and is referred to as the tangata 'eiki (chiefly man),
[612] and the highest ranking member of the larger kin group,
[592] kainga or famili, is generally the oldest male in the senior
male line and is referred to as the 'ulumotu'a (the elderly
head) or sometimes the ulu'ifamili (head of the family).
In some cases, however, the oldest sister, because of her
superior rank, will be regarded as the ulu'motu'a or ulu'-
ifamili.

428 In cases of inheritance, however, the right of prim-
ogeniture within the patrilineal group prevails. For ex-
ample, if a man dies, his eldest son or sometimes his young-
er brother will inherit his title, land, and other possessions.
A man can inherit matrilineally only if his mother has no
brothers and, in effect, inherits from his mother's father.

602 This system of kinship ties establishes a network of inter-
612 relationships which governs a person's social behavior with-
in the kainga throughout his lifetime.

602 Among kinsmen, these ties still provide the main basis
437 for redistribution and exchange of products from the tradi-
602 tional agricultural system. On the household level, these
592 ties are operative on a day-to-day basis. Among the larger
[612] kin group, however, the kainga, the position of 'ulumotu'a is
[178] more ceremonial than it was in the past. Since the Consti-

613 matakali tends to be a residence group rather than a
621 segment of the larger lineal group.

565 As a result of the Constitution of 1875, the more
641 modern title of noble (nopale) was created and, by 1882, a
[178] number of the traditional chiefs (from the more powerful
ha'a) and three high-ranking matapule had been appointed
[423] nobles. These nobles have the right to elect their own
parliamentary representatives in the government and, along
with six additional matapule, hold legal title to land in
the form of hereditary estates or tofi'a. Legally, there
are 33 nobles; however, there are only 29 title holders at
present, owing to the absence of direct heirs (Maude, 1965:
[178] 56). The traditional chiefs who were not designated as
nobles, although retaining their titles, presently have
little or no political power, and are functional primarily
in a ceremonial capacity.

565 According to Aoyagi (1966) and Morton (1972), most
613 Tongan commoners do not know their ha'a relationship, but,
423 on the basis of residence, generally claim an affiliation
571 to the noble or traditional chief who is the "landlord" of
their district, thus establishing a social relationship
based on land tenure.

463 A further facet of Tongan social organization was the
565 position of the artisan or craftsman. In the traditional
554 sense, the possession of skills and the rights to profes-
[428] sions, such as carpentry, net making, boat building,

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[178] medicine, deep sea fishing, and funeral directing, was hereditary. Consequently a class of artisans arose in the society and, as a result of their inherited roles, were ranked somewhat above the Tongan commoner. In some cases, there are still families or individuals who, although technically commoners, are shown special respect owing to their positions as traditional artisans or craftsmen.

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554 In addition to these traditional rankings and ties, there are numerous contemporary ties which determine an individual's position or behaviour within the society.

642 The present government is a constitutional monarchy, comprised of the King, Taufa'ahau Tupou IV, a Cabinet, 645 Privy Council, and a Parliament. The Cabinet includes the Speaker, Ministers of the Crown, the Governors of Ha'apai and Vava'u, and is presided over by the Prime Minister, Prince Tu'ipelehake (the King's brother). All Ministers are appointed by the King and hold their positions until retirement age. The Cabinet becomes the Privy Council when 646 presided over by the King. The Parliament consists of the Cabinet Ministers, seven nobles elected by the hereditary nobles, and seven commoners elected every three years by the people.

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646 Although some members of government have high rank in the traditional social structure, those Members of Parliament elected by the people and appointed Ministers of the Crown constitute the contemporary elite, often more

423 estates or is reserved from Crown land.

Distribution of Land

[643] Rights to tenure and a system of inheritance are provided for in the Land Act of 1927. All holders of hereditary estates (tofi'a) are appointed by the ruling monarch who may grant new estates from Crown land when he finds it necessary. The rules of succession to hereditary estates are based on primogeniture but if there are no direct lineal descendants, the inheritance may go to brothers or sisters and their lineal descendants. If no legitimate heir, male or female, is available, the estate reverts to the Crown until such time as the King grants title to a new holder.

423 If the rightful holder is less than twenty-one years of
429 age, the King shall appoint a trustee until he comes of age.
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423 Government or Crown land is that not held as part of hereditary estates. The government may, through the Minister of Lands and with the consent of the Cabinet, reserve portions of this land for roads, commons, cemeteries, schools, recreation areas, hospitals, government departments, or other public purposes. The King, with the consent of Privy Council may also call upon any holder to give up
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[643] land for public purposes. In such cases, the dispossessed may be offered land in replacement or both land and remuneration.

423 With respect to bush allotments (referred to as tax allotments or 'api tukuhau in the Land Act) and town allot-

423 ments, the law states that every native male Tongan of sixteen years of age, upon application to the Minister of Lands is entitled to a bush allotment not exceeding 8 1/4 acres (3.3 hectares) and a town allotment not exceeding one rood, 24 perches (2/5 acre or 0.2 hectares). A person may hold no more than one of each and he may not make further applications after having refused a previous allotment.

Also provided for was the option of a single "oversize" bush allotment of 12 3/8 acres (5.0 hectares) instead of the customary separate bush and town allotments. A later amendment provided for the issuance of 15 acres (6.1 hectares) (a 10 acre bush allotment plus 5 acres to be leased at a nominal fee). These were attempts to create a dispersed settlement pattern with farmers living on bush allotments instead of in villages.

[36] By law, the allotments should be obtained from the hereditary estate or parcel of Crown land on which the applicant resides, although if such land is unavailable there, the allotment may be granted elsewhere.

423 The rules of inheritance of allotments are also based
428 on primogeniture, although the original holder's widow is entitled to his allotments. Upon the remarriage or death of the previous holder's widow, an allotment descends, by the rules, to his male descendants; his unmarried daughters; his brothers or their lineal descendants; his father's brothers; or their lineal descendants, in that order. Upon remarriage

423 or death of the previous holder's widow, the allotment
 428 descends, in order, to his male descendants; his unmarried
 daughters; his brothers or their lineal descendants; his
 father's brothers; or their lineal descendants, ...

If a legal heir already holds an allotment, the allotment descends upon the next most appropriate heir. In the case of sons and grandsons of the holder, they have the option of selecting between the allotment they hold or the one available for inheritance. Allotments can also be surrendered by the rightful heir by reason of old age or ill-

[429]ness. In cases where the legal heir has not reached the age of sixteen, the Minister of Land can appoint a trustee (s) until he comes of age. If no person claims the allotment, it reverts to the estate holder or the Crown. The Minister of Land may reallocate reverted allotments.

Although fragmentation is discouraged, a person may apply to the Minister to subdivide an allotment between sons, grandsons, brothers, or nephews if the original allot-

423 ment is of sufficient size. An alien can reside on an
 641 estate or an allotment only by permission of the Minister.

423 Leasehold Land

427 The Land Act strictly prohibits sale of land and
 [432] mortgaging of land or crops. However, there is a provision
 [428] for the leasing of land and for another form of temporary
 tenure, the "permit". Leasehold rights can be inherited

423 but land use rights acquired by permit terminate upon the
427 death of the original holder.
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423 According to the Land Act, the Minister of Lands has
427 the power to grant leases, sub-leases, and permits to
659 Tongans, aliens, charitable organizations (missionary
societies and churches), or the government, with the
approval of the Cabinet. Leases may be granted from
portions of hereditary estates or Crown Land which have not
been granted for tax allotments or will not, in the opinion
of the Cabinet, be required for allotments within the term
of the lease. Excluding land leased to charitable institu-
tions and for government purposes, no more than five percent
of the total area of an estate can be leased.

423 The term of a Tongan lease shall not exceed 50 years
427 and the term of a lease to a charitable institution, alien,
[659] or the government shall not exceed 99 years. The Minister,
with the Cabinet's and, when applicable, the estate holder's
approval can renew leases.

423 Conditions of Tenure

427 The King and the Royal Family have exclusive rights to
643 their estates and, although no bush or town allotments are
644 granted from these estates, portions of them can be leased.

423 Crown land must be subdivided to provide bush and town
allotments. The Minister may not dispossess any legal
423 holder of his town or bush allotment unless he contravenes
659 the law.
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an allotment. The more permanent the tenure, the greater the possibility that the tenant will plant long-term crops like coconuts, bananas, or other fruits trees instead of subsistence crops like cassava or taro.

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The most common means of obtaining legal or customary tenure to a bush or town allotment is inheritance.

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Individuals who are not legal heirs must find vacant allotments. By law, an individual, after finding a vacant allotment should apply directly to the Minister of Lands to register it. Unfortunately, in practice a person generally must first get approval from the estate holder in the case of an hereditary estate, or the town officer, in the case of government or Crown land. Although the Minister of Lands can overrule the decision of either the estate holder or the town officer, this rarely happens.

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An individual who wants permission to register land seldom approaches the estate holder or town officer directly; instead, he works through senior kinsmen or a matapule

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with higher social standing. In almost all cases, inquiries are either preceded or accompanied by gifts of food such as pigs, chickens, or yams. If permission is given, the new "holder" will, in most cases, not be able to register the allotment immediately. Instead, there is generally a "probationary" period designed to insure that new holders use the land wisely and fulfill their social obligations to the village or district (Maude, 1965:104). The probationary

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423 period is often abused or extended by the estate holder or
425 town officers who make excessive demands on the tenant.

[427] Thus some estate holders in effect have the same power over land distribution as they had prior to the "emancipation" of landholders in 1852. At present, there are a
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[427] number of nobles who have bad reputations, with respect to demanding foodstuffs, labor and money, while failing to register allotments. In most cases, it is easier to register an allotment on Crown land than on an hereditary estate.

● [428] Occupancy by customary right is generally obtained through inheritance and is relatively secure, especially if a family has used a particular allotment for generations. Rulings by the Land Court have commonly favored a customary holder over a registered holder who has obtained approval of the estate holder (Hunter, 1963:104-106). Nevertheless,
[427] under customary tenure, there is a greater incidence of having to fulfill obligations to the estate holder. However, where the estate holder or officer is not excessively demanding, customary tenure is for practical purposes as secure as legal tenure.

[241] Temporary tenure is obtained by asking kinsmen, friends, or even estate holders for usufruct rights. In this case, the legal or customary holder generally produces copra from the palms on the property, while the tenant plants only subsistence crops. Owing to the scarcity of vacant

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709 Tonga introduced its own form of civilization. The missionaries were instruments and agents bringing it about, but they did not initiate it." 642 He further adds: "The one point I make firmly is that if the missionaries [642] aided this, they did not *initiate* it. It was all the desire of the Tongan people, and of the king [Taufa'ahau] in particular".⁽⁷⁰⁾ Unfortunately, the 19th century evidence certainly does not support this opinion of the non-initiatory role of the Wesleyan missionaries. The missionaries were both the initiators and the major instruments of colonialism in Tonga.

177 It is Rutherford's contention that Tonga's "most rapid westernization began in 1862".⁽⁷¹⁾ but the evidence presented indicates that Westernisation began before 1862. In some respects, Westernisation began when Schouten and Le Maire first stopped in the archipelago in 1616. The true beginning, however, of Westernisation was in 1822/1826 when Wesleyan missionaries began their flow (and distribution) of material goods in the archipelago. In 1826 Tonga finally entered into sustained contact with the Western world.

428 Although Scarr has written of rigidity in Tongan social structure, spring- 565 ing "in part, from primogeniture,"⁽⁷²⁾ aboriginal Tongan society displayed a great deal of flexibility. Consensus and flexibility stemmed not from 571 primogeniture but from the fact that a chief needed the support of the people he was to lead. Strict rules of primogeniture were only introduced [642] with the Tongan Constitution of 1875, a Constitution strongly influenced [177] by Western European concepts of leadership and inheritance principles. In aboriginal Tongan society rank was relative to the particular occasion, 554 and a chief was a chief because of the consensus of the people. After the Constitution, a chief was a chief because of law. Because of these changes [571] in the Tongan system, King George Tupou II (who came to the throne [642] in 1893) eventually had related problems with a variety of Tongan chiefs, [642] with whom, as Barney points out, he was "already very unpopular" in 1900.⁽⁷³⁾

709 The motives of the early 19th century Wesleyan missionaries in Tonga included the will to succeed where the LMS had failed and to Christianise the archipelago. The methods that the Wesleyans used included the [177] systematic and steady introduction of material goods into the archipelago, [642] combined with the visits of British men-of-war. As one of their methods, the Wesleyans used the "division" of territorial "rights" with the LMS. In the 1830s the Wesleyans received "exclusive rights" to Tonga and Fiji provided they would not attempt to convert the inhabitants of the LMS territory of Samoa.⁽⁷⁴⁾

177 This brief paper has attempted to demonstrate that in the 19th century 709 certain Europeans were extremely instrumental in restructuring Tongan society. The point must also be stressed that certain Tongans were not mere passive pawns in the overall political process. Some Tongans aided the Wesleyans and manipulated and restructured the system to their own

70. Tippet 1971:108, emphasis original.

71. Rutherford 1971:x.

72. Scarr 1968:4.

73. Barney 1972:263.

74. See Garrett 1974. For a recent explication of Catholic missionary work in Samoa, with passing reference to the LMS activities in Samoa, see Franco 1976.

/69 cont./

593 brother-sister taboo, seem to have occurred only during the past
784 decades, for the stricter rules are still clear in the memory of
178 all older people. The child-father taboo has been extensively
relaxed because the belief /70/ in the power of this taboo (sick-
ness or death as punishment for non-observance) is to a considerable
extent lost on the "enlightened" present generation. A certain
[562] observance of the brother-sister taboo may be explained as an
exaggerated natural sexual avoidance among siblings, as well as
the brother's social recognition of the ordinarily higher rank of
his sister; for the restrictions mentioned are observed for reasons
of "good upbringing" and not because of fear of the punishing power
of a taboo.

593 Although the woman in Tonga society enjoys a highly respected
562 social position, the man in the family has full authority, even if
[178] his wife originally comes from a higher social rank than he. This
state of affairs is the same as in ancient Tonga. (201)

201. Compare J. Martin, loc. cit. II. pp. 98, 179.

592 When the head of the family dies, the eldest son becomes the head
428 of the family. If he proves unqualified, the next older brother
[178] takes his place. This arrangement very probably existed even in
ancient Tonga.

842 Today, as in pre-European times, these natives are not familiar
with birth control. Suggestions to the government by white
officials for birth control fell on deaf ears. No one among the
people seems to be interested in birth prevention. Children cause
relatively little expense, for more eaters at daily meals will soon
mean more helpers for work. Only a few members of the government
foresee the threat of overpopulation of the islands in 30 or 50 years.

887 Old people living with younger married couples or independently

/116 cont./

642 given conditions, and is quite adequate to ensure all Tongans a quiet
177 and secure life, so the number of those who are discontent is small.

b) Distribution of Land

421 In old times, all land was the property of the Tu'i Tonga. He
423 granted it to the chiefs (or confirmed their inherited grant). The
643 /117/ chiefs in turn granted land to the matapule and the commoners
565 living under them. Within this system every land user was obliged
[651] to pay tribute to his "superior." It seems to have been customary
[428] that leased land remained indefinitely in the family of the one who
received it, for every heir of a chief's title had the ownership of
his land confirmed. The sons of the matapule and the commoners, by
421 a corresponding system, usually remained on the land of their
423 fathers. However, the chiefs had the right at any time to disown
565 the commoners living on their land or to relocate them. (321)

321. See E. W. Gifford, Tongan Society. p. 174.

There seems never to have been any community property.

423 This system of dividing up land and land ownership underwent
178 some changes. Through the decline of the Tu'i Tonga's power and
565 the civil-warlike confusion, some chiefs became quite high-handed.
[42] In the constitution of 1875 it was ultimately determined that all
Tongan land belonged to the crown and could not be sold. Only leases
approved by the cabinet were recognized. The people had a claim on
land for building and settlement, whereas much land was still at the
disposal of powerful chiefs. On October 24, 1882, conditions were
423 regulated insofar as George I created the new class of nopele (nobles)
178 consisting of big chiefs and mighty matapule, and gave these nopele
428 hereditary lands (tofi'a). (322)
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322. Thus George I confirmed the inherited
ownership of a few big chiefs (see E. W.
Gifford, Tongan Society. p. 172).

/117 cont./

423 On August 24, 1894, George II augmented the list of inherited lands,
428 which was reconfirmed by Queen Charlotte on March 3, 1919. (323)
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323. Ibid., p. 72.

648 At the advice of Basil Thomson (British Assistant Premier in Tonga),
423 the Crown, in 1890, secured for itself ultimate control of these
lands as well, by becoming responsible for giving out portions of
land and collecting the rent, and by possibly dispossessing the
tenants on these lands.

423 Thus, all land is today the property of the Tongan Crown. There
are two main types of landed property: 1. the large properties (tofi'a)
of the government, the royal house, the nopele and a few matapule and
2. the leasehold land. The latter is subdivided into plantation land
(api'uta) and the land for settlements in the village (api kolo).

423 Every male Tonga over 16 years of age (taxpayer) is entitled to re-
425 ceive one api-uta of $8\frac{1}{4}$ "acres" /cited in English/ for planting
641 and one api kolo of 132 "square yards" /cited in English/ as his
dwelling area in the village. If he applies to the minister for
lands he receives this /118/ either on the tofi'a where he is already
living or somewhere on government land. For his api'uta he must pay
423 the government an annual rent of 8 sh. T.; (324)
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324. This sum is occasionally waived. Thus, for
example, Crown Prince Tungi Tupouto'a
dispenses with the rent payments of the
Tonga living on his island of Nomuka.

the government allocates the rent payment to the nopele concerned
of collects it according to whether the tofi'a in question belongs
to a nopele (or a member of the royal house) or to the government.
The api kolo is rent-free. The lessee who does not pay the rent for
his api'uta or does not comply with the conditions relative to its
cultivation (325)

/119 cont./

[423] amounts to more than 200 individuals per square mile. The greatest
[161] density is in the Ha'apai Islands. There, for example, if there
[428] are three sons in a family, one of them (generally the oldest)
usually inherits, after the death of his parents, the api'uta of his
father (in addition to his api kolo) and the other two will often no
longer be able to receive an api'uta of their own if they apply for
[161] it. The Tongan population has grown very much in comparison with the
past, and there is sufficient land available only on the large
inhabited islands or on some uninhabited ones. (329)

[425] 329. In 1950, according to government documents,
[427] of the 188,975 acres available for
distribution, only 78,345 had been given
out (as api'uta to 8647 taxpayers and as
lease lands to foreigners and Tongans).
[113] The remaining 110,630 acres were still
available (minus the village and urban
areas) (see Report of the Minister of Lands
for the Year 1950 /cited in English/. Nuku'-
alofa 1951. p. 1).

These two sons can get their own api'uta of $8\frac{1}{4}$ acres on Tongatapu or
'Eua, for example. But usually people prefer to remain on their home
island. (330)

[162] 330. On the island of Nomuka, for example, among
[425] a total population of 567 souls, there are
69 men who have a right to an api'uta, but are
unable to get it because all the land has been
distributed; they are staying on Nomuka even
though they would be able to receive their
api'uta on Tongatapu, for example. While all
land claims must still be provided for within
the Archipelago, 4307 taxpayers in 1950 did
not take over an api'uta for the aforementioned
reasons (see Report of the Minister of Lands
for the Year 1950. p. 2).

[425] People are attached to their islands and their kinsmen, and they may
[241] also dislike to clear virgin land. Thus they stay in their villages,

415 /149 cont./

177 have long since been replaced by sturdy English metal pots and kettles.
412 Coconut-meat graters (hakalo) can be found in every household, but
178 the natives have fastened to the tripods (tree branches) or to the
simple boards, serrated, flat bar iron instead of shells. On the
262 whole, only a few families still eat banana leaves (or leaves of the
178 breadfruit tree). (395)

395. At feasts, however, banana leaves are
still plentifully used.

415 Today, in all households, there are earthenware or tin plates, and
412 cups and mugs for drinking. Many households own table knives, forks,
177 and spoons which, however, are scarcely ever used, since people still
[264] generally eat with their fingers (often directly out of the bowls
415 instead of on plates). Tin and earthenware jugs are common, and often
177 one also sees glasses and glass pitchers for the popular native and
European refreshing drinks.

177 The increase of imported European goods in Tongan households has
352 in some cases increased to a complete adoption of European furnishing
405 which may consist of beds, cupboards, chests of drawers, tables, easy
534 chairs, straight chairs, wall clocks, framed pictures and even pianos,
428 of which some things have been inherited by half-castes. Even in these
177 cases, however, the old Tongan life has usually proved stronger than
178 the compulsion for foreign furnishings, for the owner will continue
516 to sit crosslegged on the floor.

177 Thus in the field of Tongan household equipment it is to be
178 observed that essential elements of the old Tongan furnishings
(seat mats, bed, kava bowl) have been preserved, though in altered
forms, that some ancient cultural assets (headrests, certain baskets,
lamps, bottle gourds, wooden containers) have been lost and are at
present disappearing, and that many European objects have been
adopted, which to the Tongans seems useful of superior to corresponding

/237. cont./

463 and mu'a, (632)
565

632. The mu'a are individuals one of whose parents has the rank of chief, while the other is of matapule rank (see E.W. Gifford, loc. cit. p. 109.

those who had other vocations were mu'a or commoners, except barbers and cooks who belonged exclusively to the commoners.

463 According to Mariner, (633)
428

633. J. Martin, loc. cit. II. p. 96.

565 all these vocations were hereditary, with certain reservations in the case of tattooists, carvers of clubs and barbers. However, there seems to have been no compulsion toward hereditary vocations; in the highly esteemed vocations the son took over the activity (usually along with the title) /238/ (634)

634. See E.W. Gifford, loc. cit. p. 145.

of his father, if only out of self-interest and in accordance with what had become a general custom, while in the less esteemed vocations the sons probably followed in their father's footsteps as a result of the rigidity of social stratification. (635)

635. See J. Martin, loc. cit. II. pp. 94/95.

463 The members of particularly esteemed professions were paid for
431 their work with gifts from the chiefs; (636)

636. Ibid. p. 93.

the natives who practiced the less respected vocations apparently also received occasional gifts. (637)

637. See J. Martin, loc. cit. II. p. 92.

463 These conditions in ancient Tonga have now undergone a funda-
177 mental change as a result of European influences.

There are no longer any boat-builders or sailmakers in the old sense, since the catamarans have been given up; the carvers of clubs

/243 cont./

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436
178 give it back, the creditor will not be much concerned and will regard the matter as settled, in accordance with the old Tongan custom.

436
434
[431] There is no doubt that the natives have learned to value money and like it, but even the present high copra prices have not led to a "copra intoxication" and /244/ a "money fever." They often give away whole loads of coconuts, and in the Copra Board in Neiafu, for example, it was observed in 1952 that the Tongans who could not be paid the full copra price as a result of a temporary shortage of pence coins, did not come back even after several weeks to pick up their three-or ten-pence.

454
436 For most of the natives the idea of saving, in the sense of a continuous accumulation of sums of money, is unfamiliar. About four decades ago many families were said to have saved relatively large sums in order to build. At that time several of the European-type frame houses were erected. Today large objects such as
[428] dwellings, cement tanks and carts have often been inherited, and money
[432] is spent on clothing and food and other European goods. Given the
[439] normal demand, the to some extent, artificially produced demand by
434 the shopkeeper's promotion, and the relatively high prices, money is
436 soon spent in a large family.

436
454
472 Though the majority of Tongans do not use money purposefully (in the European sense), there is nevertheless no dearth of examples of deliberate management of money after the manner of whites. Thus, for example, F.S., a Tongan shopkeeper on Nomuka, through carefully considered management, within nine months (1951/52), increased his capital from 61£ T. to about 800£ T. and the two aforementioned truck drivers as well as the lemonade seller on Lifuka (648)

648. See pp. 361-364.

[181] may also serve as example of a wise use of money. These natives,

423

The 'api, or land allotment, represents the second type of land holding in the Kingdom, being a subdivision of the estate. In theory, the estates are to be divided into allotments as needed. However, according to the Tongan Ministry of Lands, only the nation's major geographic features, such as roads and shorelines, had been surveyed prior to the national survey of 1958. Subsequently, few of the estate lands had been subdivided into the standard eight and one-quarter allotments prescribed by law and the presence of customary farm holdings, which were of a wide range in size and spacing, made implementation of the 1927 Land Act, in terms of land distribution, impossible. The national survey in 1958 greatly increased the number of available land allotments. Maude (1965) reported that in 1957, only 2,564 allotments, of eight and one-quarter acres, were available to 12,000 Tongan taxpayers. Table 11 indicates that by 1973, this figure had increased to over 15,000 allotment holders (Report of the Ministry of Lands and Survey, 1973, p. 15). Though the increase of surveyed and allotted land is impressive, over 50 percent of Tonga's acreage is retained by royal and hereditary estates, and the growing number of landless households persists. A recent royal address indicated that as many as 39,837 individuals had applied for only 13,017 available allotments. Based upon this data, there are twice as many men entitled to land as there are allotments available. This trend may reasonably be expected to increase, as younger population groups reach maturity.

Land is most easily acquired through inheritance of a lease.

(The most frequent explanation for landlessness, as reported by

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423 TABLE 11.--Distribution of Land Holdings by Type.

Year	Tax Allotment Holders 'api tukuha	Town Allotment Holders 'api kolo	Total
1967	13,041	7,186	20,221
1968	13,614	7,116	20,730
1969	14,065	7,194	21,259
1970	14,329	7,392	21,721
1971	14,615	7,571	22,186
1972	14,965	7,594	22,559
1973	15,152	7,828	22,980

SOURCE: Kingdom of Tonga: Statistical Abstract 1972
(Nuku'alofa: Government Printer, 1972), p. 95.

423
425 Tongan interviewees, was the lack of an inheritance.) On death of
428 the landholder, his widow is entitled to life interest in his land
[68] holding. This right is lost only upon remarriage or conviction of
423 adultery and/or fornication. If there is no widow, the land passes
428 to the eldest son, and in the case of his death, to his eldest son.
If there are no sons, an unmarried daughter may hold the land for
life.

423 With the average Tongan household consisting of 6.7 persons,
425 it is apparent that many males will not inherit land. Therefore,
[428] the only subsequent way to acquire land is through an allotment
which is vacant, or an arrangement for land usage with a noble,
relative or friend. Many interview respondents indicated that
vacant land is scarce in densely settled areas, in that no